

### Vulgar Language in the Classroom not Protected

A student in an English class taught by a senior faculty member complained that language used in the course by the instructor was “very degrading to women.” Concerned about the possibility of a sexual harassment claim, the college warned the instructor against future use of “obscene and vulgar speech.” Ignoring such warning, the instructor continued to make “dehumanizing, degrading, and explicit comments” in the classroom that resulted in a complaint from another student. When presented with a copy of the confidential complaint, the instructor made copies of it, distributed it in all his classes, posted it on a bulletin board, and sent it to 200 faculty members with an eight page rebuttal.

As a consequence of such actions, the college suspended the instructor for three days without pay and instructed him not to further distribute copies of the student complaint. Instead of complying with the college’s directive, the instructor sent the complaint and his response to the local television station and newspaper. The college suspended him indefinitely for “disruption of the educational process.”

The instructor sued the college, alleging violations of his First Amendment rights to free speech and to academic freedom. The trial court ordered that he be returned to the classroom pending the appeal of the case. The first night in class, the instructor made comments degrading women and persons of the Jewish faith. Such conduct came to an end, however, when the appellate court reversed the holding of the trial court, holding that vulgar and profane speech is not entitled to absolute constitutional protection and that academic freedom cannot be used as a shield to harass students. The right of students to a hostile-free learning environment prevailed over the free speech claims of this misguided instructor and the college removed him from the classroom. *Bonnell v. Lorenzo*, 241 F. 3d 800 (6th Cir. 2001).