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opinion file*

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

FILED  
JAN 25 5 02 PM '90

NINA WU )

VS. )

UNIVERSITY OF CONNECTICUT, )  
ET AL. )

CLERK  
U.S. DISTRICT COURT  
HARTFORD, CT

CIVIL H-89-649 PCD

*MJC*

J U D G M E N T

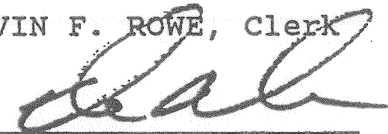
The parties in the above-captioned matter having stipulated that judgment may enter in accordance with the terms and conditions of the Proposed Consent Decree, and the Court having approved said stipulation on January 24, 1990,

It is therefore ORDERED and ADJUDGED that judgment be and is hereby entered in accordance with the terms and conditions of the Proposed Consent Decree,

Dated at Hartford, Connecticut, this 25th day of January 1990.

KEVIN F. ROWE, Clerk

By



Dennis P. Iavarone  
Deputy in Charge

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U.S.

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

_____ )	
NINA WU )	NO. H89-649 (PCD)
)	
Plaintiff, )	
)	
VS. )	
)	
UNIVERSITY OF CONNECTICUT, )	
ET ALS. )	
)	
Defendants. )	January 19, 1990

PROPOSED CONSENT DECREE

After extensive and voluntary negotiation, the parties agree to resolve all issues and claims raised and contained in the plaintiff's Application for Temporary Injunction and Complaint on file herein. Accordingly, the parties consent to the following terms and conditions relative to the same and further

agree that their respective officials, agents and successors will likewise be bound.

It is further agreed that no term or condition of this consent decree may be adjusted or otherwise modified absent future order of this Court upon application of a party showing good cause for such modification and after due notice to all counsel of record.

Absent such further modification, the terms and conditions of this consent decree have the full force and effect of an order of this Court. As such, any claims of a violation of the consent decree on the part of any party hereto may be brought to this Court by any party and the Court shall make such further order and grant such additional relief as it deems necessary and appropriate.

1. The parties agree to the entry of a Judgment, providing that the defendant University is permanently enjoined from enforcing Article VII(4) of its Student Conduct Code, as it existed on October 24, 1989, or any other policy that interferes with the exercise of First Amendment rights by the

plaintiff or any other student, when the exercise of such rights is unaccompanied by violence or the imminent threat of violence.

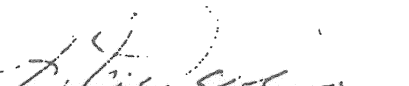
2. The parties represent that the aforementioned provision (Article VII (4)) of the defendant University's Student Conduct Code has been revised and a copy of said revision is attached hereto as Exhibit A.

3. The defendant University will provide the plaintiff with a dormitory room and restore her to the rights and privileges of other dormitory residents, including dining privileges, commencing with the spring, 1990 semester. The plaintiff will be subject to the same rules and regulations as other dormitory residents.

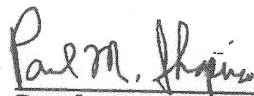
4. The parties agree that no reference will be made to the incident that formed the basis of this action on the plaintiff's academic transcript.

5. The parties agree that the plaintiff is entitled to a reasonable attorneys fee, pursuant to 42 U.S.C. § 1988, which the parties intend to negotiate without intervention by the Court. In the event that the parties cannot reach agreement, the plaintiff reserves the right to make an application to Court for a fee award; however, no such application shall be filed later than February 5, 1990.

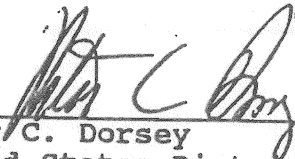
THE PLAINTIFF,  
BY HER ATTORNEY

  
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FOR THE DEFENDANTS,  
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ATTORNEY GENERAL

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A P P R O V E D

  
Peter C. Dorsey  
United States District Judge

FILED  
FEB 24 1990  
Date

Article VII (4) of the Student Conduct Code is amended to read as follows (deletions in brackets; new language underlined):

4. Harassment and/or Intimidation -- Conduct causing alarm, or recklessly creating a risk by: threatening to commit crimes against persons or their property; [exhibiting, distributing, posting, or advertising publicly offensive, indecent or abusive matter concerning persons; using, in a public place, abusive or obscene language or making obscene gestures;] making unwelcome[d] sexual advances or requests for sexual favors. [making personal slurs or epithets based on race, sex, ethnic origin, disability, religion or sexual orientation] This also covers harassment or intimidation of persons involved in a University disciplinary hearing and of persons in authority who are in the process of discharging their responsibilities.

The face to face use of "fighting words" by students to harass any persons(s) on university property or on other property to which the Student Conduct Code applies is prohibited. "Fighting words" are those personally abusive epithets which, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provoke an immediate violent reaction, whether or not they actually do so. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics.