

**CALIFORNIA STATE ADVISORY COMMITTEE TO THE
THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

FOR IMMEDIATE RELEASE

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**CALIFORNIA STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION
ON CIVIL RIGHTS RELEASES REPORT
IN SUPPORT OF FREE SPEECH ON COLLEGE CAMPUSES**

The California State Advisory Committee (SAC) to the United States Commission on Civil Rights (USCCR) released today a report on civil rights and free speech in higher education, "Equal Educational Opportunity and Free Speech on Public College and University Campuses in California." The report follows a public hearing on the issue by the Committee.

In its report to the USCCR, the California State Advisory Committee notes that campus speech policies were drafted to comply with Title IX and Title VI of the Civil Rights Act of 1964, which prohibit harassment on the basis of race, sex, color or national origin. The SAC report observes that however well-intentioned, such speech policies may unlawfully restrict student speech protected under the First Amendment.

The SAC report examines the 2003 "Dear Colleague" letter issued by the U.S. Department of Education's Office for Civil Rights (OCR) which declared that "OCR's regulations are not intended to restrict the exercise of any expressive activities protected under the U. S. Constitution." The Committee recommends that the U.S. Department of Education reaffirm its 2003 "Dear Colleague" letter.

The SAC report examines the 1999 Supreme Court decision, *Davis v. Monroe County Board of Education*, in which the Court held that a parent could not bring a private action against a school board because of student-on-student harassment unless the school acted with deliberate indifference and when harassment was so severe, pervasive, and objectively offensive that it denied or limited a student's ability to participate in or benefit from an educational program. The California SAC report expresses concern that some California public colleges and universities may be enacting speech restrictions or enforcing student codes of conduct contrary to the 2003 "Dear Colleague" letter and the Constitution.

The chairperson of the California State Advisory Committee is Percy Duran (Los Angeles), appointed as chairman by the Commission in 2011. Other members of the California State Advisory Committee are: James A. Bolton (Altadena); John L. Dodd (Tustin), Marc L. Dollinger (San Rafael), Kathay Feng (Los Angeles), Joe R. Hicks (Los Angeles), Manuel S. Klausner (Los Angeles), Sanford A. Lakoff (San Diego), Leonard

Mitchell (Santa Monica), Velma K. Montoya (Hollywood), Matthew A. Rosenthal (Studio City), Ralph A. Rossum (Claremont), Maimon Schwarzschild (San Diego), Robin S. Toma (Los Angeles) and Betty R. Wilson (Los Angeles).

The report is posted on the U.S. Commission on Civil Rights' website at www.usccr.gov. An electronic version of the full report is also available from the Western Regional Office of the U.S. Commission on Civil Rights, and can be obtained by contacting the Western Regional Office of the U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or by calling the Western Regional Office at (213) 894-3437.

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The State Advisory Committee reports to the Commission are not subject to an independent review by Commission staff. The views expressed in reports are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. government.

The United States Commission on Civil Rights is an independent, bipartisan fact-finding agency of the Federal Government. The Commission is charged with the responsibility to study and collect information concerning the denial of the right to vote and equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin. State Advisory Committees are established in each state as part of the Commission to examine issues under the jurisdiction of the Commission within their states.