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Opinion

Dark Times for Students at Occidental College

BY GREG LUKIANOFF AND WILL CREELEY (KRT)

Despite the uproar about the Federal Communications Commission's aggressive attempts to clean up America's airwaves, a shocking case of censorship that recently occurred in California has garnered precious little attention. What makes this case even more distressing is that it originated in a medium where one would expect free speech to be sacrosanct: college radio.

Jason Antebi, a senior at Occidental College in Los Angeles, not only lost his job at the student radio station, but was also found guilty by campus officials of "sexual harassment" for the content of his radio show. Antebi's show was one of the station's most popular, probably due, in part, to his acerbic parody and bawdy humor. Antebi was an "equal opportunity offender." His targets ranged from Bill O'Reilly to Al Franken, Democrats to Jehovah's Witnesses, campus safety officers to space aliens.

But this past March, after three years of broadcasting, Antebi was hastily fired. Why? Student leaders Antebi had mocked on-air filed sexual harassment complaints against him. Antebi called one a "bearded feminist" and the other "a male student" "a "douche." Insults like these are hardly rare on college campuses and par for the course on college radio, and, fortunately, for satirists, commentators and comedians everywhere, fit well within the protections of free speech.

The complaining students claimed that Antebi's show promoted "disrespect and slander" against "women, diversity and Occidental College." Attempting to invoke the protection of federal civil rights law, the offended students sought to prove that Antebi's show created a "hostile environment" and "harassed" both them and his audience in general.

Colleges have used federal harassment law as an excuse to punish protected expression for years now. To stop this abuse, the Department of Education issued a letter last year explaining that federal law cannot be used to punish speech that is merely "offensive." With such a clear statement from the federal government, the case should have died quickly.

But instead, Occidental plowed ahead, even going so far as to claim that punishing

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his on-air antics was consistent with DOE policies. Despite the principled objections of the radio station's student management, whose purview ostensibly included such decisions, Antebi was fired by Occidental's Dean of Students. Of far greater concern, in April, Occidental's Title IX officer ruled that Antebi's broadcast (from a station with a signal so weak that it doesn't even reach off campus) constituted sexual harassment against his audience.

From a legal standpoint, Occidental's justification of its actions is wholly unsustainable. One cannot be sexually discriminated against by a program that mocked everyone indiscriminately. Furthermore, how can someone be sexually harassed by a program they voluntarily tuned in to? (In this case the offended students reportedly had to have one of their friends tape the show so that they could be offended by it.) As the radio station's student director observed in her sagacious letter of protest to the Dean, the "beauty of radio is that when you don't like what you're listening to, you can turn the dial."

What makes Antebi's story even more compelling is Occidental's alarming actions after the complaints were filed. In March, Occidental's President referenced the incident involving Antebi as justification for dissolving the school's student government, thereby absorbing nearly half a million dollars of student activity fees normally distributed by student representatives. While not citing Antebi by name, President Ted Mitchell referred to "examples of abusive, intimidating, harassing behavior that have no place on our campus" that were "masquerading as open expression" as justification for the dissolution.

Further, when the Foundation for the Individual Rights in Education (FIRE) came to Antebi's defense, they were informed that besides sexual harassment, Antebi was also suddenly being investigated for telephone and e-mail harassment, vandalism and slashing tires. However, Antebi was never even charged by the campus judiciary in connection with any of these incidents. FIRE concluded that this campaign of misrepresentations and false accusations was Occidental's desperate attempt to justify its outrageous actions post hoc and to dissuade groups like FIRE from defending Antebi.

Fortunately, FIRE was not deterred and has protested Occidental's actions. Antebi was allowed to graduate, but his campus conviction remains, the student government is gone, and Occidental is trying to ignore its abuse of law and the facts. To let Occidental's actions stand is to tolerate a burgeoning definition of harassment that could devastate broadcasters' and journalists' rights all across the country. Also, it signals to colleges that it's OK to abuse your students' rights and misrepresent facts when faced with rightful public criticism. Finally, it declares that society has accepted that our colleges and universities are no longer places where young citizens enjoy the greatest expressive rights, but rather bastions of unfair and selective censorship. Both the media and public need to fight these kind of abuses of power, before the new national crusade for propriety reduces too many of our society's nonconformists, critics and dissenters to silence.

ABOUT THE WRITERS

Greg Lukianoff is an attorney and the Director of Legal and Public Advocacy for the Foundation for Individual Rights in Education. You can reach him at greg@thefire.org. Will Creeley is a student at New York University School of Law and a FIRE legal researcher. Both live in Brooklyn.

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