Antebi Files Appeal Suit Against Oxy

By Nick Velkavrh
Staff Writer

Alumnus Jason Antebi recently filed an opening brief in his appeals case concerning freedom of speech against Occidental College.

In spring 2004, Oxy charged that Antebi sexually harassed students via his KOXY radio show for labeling students and campus organizations with satirical nicknames. Additionally, the College stated that Antebi's show created a hostile environment on campus.

Antebi filed a complaint against Occidental in March 2005, citing "defamation, civil rights violations, intentional infliction of emotional distress and breach of contract." Antebi's suit asked for his file to be purged of recommendations against him, as well as compensatory damages for "loss of future earnings" and "sustained injury to his nervous system and person."

The trial court held that Antebi was required to pursue internal "administrative" remedies to exhaustion, and that no matter what Oxy's conduct was, Antebi could not sue. Further, the court rejected Antebi's Leonard Law claim, a statute unique to California that grants free speech rights to private college students. According to the court's interpretation of the law, one must be a currently enrolled student to file suit.

Antebi's brief argues that the court erred in its ruling, stating, "his claim has nothing whatsoever to do with Occidental's internal rules." The appeal brief says the notion that Antebi's recourse is limited to a university hearing is faulty because it grants the College, as defendants, a position "above the law."

Further, the brief argues that the court's interpretation of the Leonard Law would render the statute useless because, in order to avoid a lawsuit, any college could simply expel students based on protected speech rather than punish them.

The case drew national media attention last year with the involvement of the Foundation for Individual Rights in Education, a non-partisan student rights organization that strongly criticized Occidental's handling of this case. The American Civil Liberties Union joined FIRE, after Occidental's General Counsel Sandra Cooper alleged that ACLU sexual harassment policy supported Occidental's position. To date, the National Vice President of the ACLU, as well as the Executive Director and Managing Attorney of the Los Angeles ACLU, have publicly stated that the ACLU does not support Cooper's claims.

Occidental has 30 days to reply to Antebi's opening brief. The College can apply for an extension of another 30 days after the initial period expires.

Jason Antebi's attorney is former Oxy student Christopher Arledge, a partner at the Costa Mesa based Turner, Green, Afrasiabi, and Arledge LLP. Musick, Peeler, and Garrett, LLP are representing Occidental in the suit.

ADVERTISEMENT