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October 19, 2007

Occidental College Settles Lawsuit With 'Shock Jock' Student

Occidental College has settled a lawsuit with a former student who accused it and several of its officials in 2005 of free-speech violations and defamation, among other claims.

The former student, Jason Antebi, was a self-proclaimed “shock jock” on the college’s student radio station, KOXY. His show, “Rant and Rave,” was provocative and satirical, but in 2004, his senior year, Occidental officials said he went too far. After Mr. Antebi insulted specific students — political adversaries who had publicly accused him of racism, and whom he mocked on the air as “Vander Douche” and “Sam the Bearded Feminist” — the college pulled the plug on his program.

The situation then got messier. Three students lodged sexual-harassment complaints against Mr. Antebi, the college found him guilty, and he appealed the verdict. He was found guilty again, and appealed a second time. Meanwhile, the college [shut down the student government](#), which was steeped in related controversies.

After he graduated, Mr. Antebi sued Occidental for \$10-million, accusing it of violating the so-called Leonard Law, a California statute that guarantees students at private colleges the same First Amendment rights they would have at public institutions. He also alleged, among other things, invasion of privacy, intentional infliction of emotional distress, breach of contract, negligence, and defamation.

A county court dismissed Mr. Antebi’s suit, and an appellate court dismissed all but his defamation claim. The state’s Supreme Court declined to hear the case. Some free-speech advocates denounced the courts’ narrow interpretation of the Leonard Law — that it did not apply to Mr. Antebi because he sued after he graduated.

The college has now settled the remaining defamation claim for a “nominal amount,” according to Stuart D. Tochner, Occidental’s lawyer. “There isn’t and never was any merit to Mr. Antebi’s lawsuit,” said Mr. Tochner. “This settlement will spare the college’s employees from a wasteful diversion of attention.”

He declined to elaborate on the terms of the settlement, as did Mr. Antebi, who represented himself in the negotiations, with support from the Foundation for Individual Rights in Education. Mr. Antebi did say he was happy at the settlement. —*Sara Lipka*

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