



February 8, 2019

President Linda D. Rose
President's Office, SAC S-205
1530 W. 17th Street
Santa Ana, California 92706-3398

Sent via Electronic Mail (Rose_Linda@sac.edu)

Dear President Rose:

I write in response to your January 24, 2019 letter requesting that we send you links to policy language to consider when evaluating reforms to the Rancho Santiago Community College District's Student Code of Conduct ("the Code").

First, we recommend adopting [this policy](#) from the University of Chicago when reforming Section M of the Code.¹ In particular, we note that the policy lists narrow categories of unlawful conduct that may involve speech, such as defamation and true threats. Using similarly precise categories of conduct would mark a significant improvement over the current version of the Code, which contains imprecise language that fails to track applicable legal standards and prohibits students from engaging in protected speech.

Second, with respect to Section N of the Code, we recommend adopting [this policy](#) from the University of North Carolina, Wilmington.² This policy would be a good fit for the District because it is more narrowly written than the current Code section and, like Section N, it includes a requirement that the conduct take place on district property. This policy also incorporates a definition of harassment that appropriately tracks the standard set forth by the Supreme Court in *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999), as discussed in Section III.B.4 of our January 16 letter.

¹ *Univ. of Chicago, Student Manual: University Policies - Civil Behavior in a University Setting*, FOUND FOR INDIVIDUAL RIGHTS IN EDUC., https://www.thefire.org/fire_speech-codes/chicago-civil-behavior.

² *Univ. of N.C. - Wilmington, Code of Student Life: Student Conduct and Appeals - Offenses*, FOUND FOR INDIVIDUAL RIGHTS IN EDUC., https://www.thefire.org/fire_speech-codes/uncw-disorderly-conduct.

Third, with respect to both Sections R and S of the Code, we recommend [this policy](#) from Claremont McKenna College.³ This policy would better address the concerns regarding disruption and disorderly conduct presented by both sections while appropriately safeguarding protected expression. Adopting this policy would allow you to condense Sections R and S into one section, as Claremont McKenna's policy addresses the type of conduct covered in both sections.

With respect to Section R of the Code, we recommend [this policy](#) from the University of North Carolina, Pembroke.⁴ This policy directly addresses the obstruction of college functions, which accomplishes Section R's aim of preventing students from defying college personnel while also ensuring that students are able to express themselves on campus.

We appreciate your willingness to address our concerns related to the District and Santa Ana College policies. Please do not hesitate to contact me if you need additional resources. However, given the ongoing concerns of the Santa Ana YAL chapter members and the burden on their activism imposed by current policies, we ask that you provide us an update regarding your policy review and reform process, and a realistic timeline for its conclusion, by February 22, 2019.

Sincerely,



Marieke Tuthill Beck-Coon
Director of Litigation
Foundation for Individual Rights in Education

Cc:
Rancho Santiago Community College District Board of Trustees
(Board_of_Trustees@rscsd.edu)

³ *Claremont McKenna College, Guide to Student Life: Student Code of Conduct*, FOUND FOR INDIVIDUAL RIGHTS IN EDUC., https://www.thefire.org/fire_speech-codes/cmc-disorderly.

⁴ *Univ. of N.C. – Pembroke, REG 11.30.01: Student Code of Conduct Regulation*, FOUND FOR INDIVIDUAL RIGHTS IN EDUC., https://www.thefire.org/fire_speech-codes/uncp-disrupting.