



SB1287 (Glazer): Public postsecondary education: Equity in Higher Education Act: prohibition on harassment, intimidation, and discrimination.



CAIR-CA Position: OPPOSE

About

SB 1287 is a dangerous bill that seeks to restrict and suppress the 1st amendment rights of students to free speech and assembly on California’s campuses. In addition, this bill infringes on students' access to the free exchange of ideas, a core tenet of a college or university education.

Reasons for Opposition

While the stated intent for SB1287 is to protect free speech and the exchange of ideas in a manner that promotes mutual respect for diversity of backgrounds and viewpoints on college campuses – this bill will instead have the opposite effect. This bill chills the free speech of students in California and set a dangerous precedent with respects to the rights of every American. CAIR-CA opposes this bill for the following reasons;

- 1) **It attempts to censor and chill the 1st amendment rights to free speech and assembly of students on California’s campuses.** This bill will place unconstitutional restrictions on students’ right to free expression based on their viewpoint and content alone, which fails the strict scrutiny standard required by the first amendment.
- 2) **Students should not have to waive their 1st amendment rights to be able to receive a higher education in California.** As a condition to college enrollment, this bill would require students agree to the student code of conduct including portions which unconstitutionally restrict their 1st amendment rights. This would infringe not only on students’ first amendment rights but also on their pursuit of academic freedom and the free exchange of ideas – both core tenants of higher education in California and the US.
- 3) **Existing California law and policies already offer protections against the unlawful harassment, violence, and threats of students without encroaching on students vital first amendment rights.** For example, California law authorizes institutions to adopt rules and regulations to prevent hateful

violence in a manner that denies full participation in the educational process. Furthermore, campuses already have codes of conduct prohibiting unlawful harassment, violence, and threats.

- 4) **Application of this bill will lead to the further suppression and censorship of Muslim and other students expressing support for Palestinian human rights.** In the past few months, there has been a familiar pattern of these students facing the suppression of their 1st amendment rights on college campuses. As we’ve seen recently at Berkeley, University of Southern California, UCLA, and universities around the country, Muslim and other students engaging in peaceful protest in solidarity with Palestine are being disproportionately criminalized, punished, and subject to disciplinary action by university and colleges. This bill will only further the unconstitutional censorship of these students’ protected speech, amid a rise in Islamophobia.
- 5) **It undermines the historical and vital role US universities, colleges and student protests hold in supporting human rights movements** - from the Civil Rights movement to the Anti-Vietnam War to climate change.

Ask

Senators: CAIR-CA respectfully requests your **NO** vote on SB 1287 when it comes to the Senate floor.

Assemblymembers: We Respectfully request your **NO** vote on SB 1287 when it comes to Assembly Committees and the Assembly floor.

Opposition

- Council on American-Islamic Relations, California
- ACLU California Action
- Arab American Civic Council
- Jewish Voice for Peace Action, Greater Los Angeles
- The Palestinian Youth Movement LA-OC-IE Chapter
- University of California Student Association
- US Campaign for Palestinian Rights