



April 26, 2019

Chancellor Raúl Rodríguez
Rancho Santiago Community College District
2323 N. Broadway
Santa Ana, California 92706-1640

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

Sent via U.S. Mail and Electronic Mail (Rodriguez_Raul@rsccd.edu and Rose_Linda@sac.edu)

Dear Chancellor Rodríguez and President Rose:

The Foundation for Individual Rights in Education (FIRE) writes to follow up on our request of February 8 for information regarding any anticipated policy reforms by Santa Ana College (“Santa Ana”) and the Rancho Santiago Community College District (“the District”) in response to concerns raised in our correspondence since last fall.

On November 28, 2018, FIRE sent President Rose an urgent letter (copy enclosed) raising First Amendment concerns over disciplinary charges lodged against Santa Ana students Boston Bolles and Jocabed Torres, and former student Andrew Rivas. They were charged with violating the District’s Standards of Student Conduct (“the Conduct Code”) and the Santa Ana Inter-Club Council Constitution (“the Club Council Constitution”) for displaying an oversized beach ball, called a “free speech ball,” on which others had written words and drawn images. The students displayed the ball as part of an event for their ratified club, Young Americans for Liberty (YAL).

Although Santa Ana ultimately found that the students did not violate the Conduct Code, FIRE wrote a second letter to you both on January 16 (copy enclosed), requesting that the college and District reform several provisions of the Code and other policies impacting student expression. We explained our concern that the cited policies could easily be applied—indeed, *had* already been applied—to restrict or chill student expressive activity protected by the First Amendment. The fact that these facially unconstitutional policies remain in place,

we argued, imposes an ongoing chilling effect on the speech not only of YAL members, but of all Santa Ana students.

President Rose responded by letter on January 24 requesting sample student conduct code policy language that FIRE supports. I responded on February 8, including links to recommended policies (copy enclosed). At that time, I also requested an update regarding the college and District's policy reform process, including a realistic timeframe for its conclusion.

We write today to again request an update regarding any substantive policy revisions Santa Ana and the District intend to undertake and the timeframe for their implementation. While we appreciate that the process of policy review and adoption can take time, the student members of YAL are active and engaged, wish to continue to participate in expressive activities in upcoming semesters, and must be able to exercise their First Amendment rights on campus without fear of consequence under facially unconstitutional policies.

Given President Rose's past correspondence, we understand that the college and District have given our concerns due consideration. **However, without knowing that the YAL members can expect to encounter constitutionally-compliant policies and practices in future semesters, we will be forced to file a lawsuit to protect their ability to fully exercise their rights on campus.**

In an effort to avoid litigation, we respectfully request a response to this letter by the close of business on May 10, 2019.

Sincerely,



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

Encls.

Cc:
RSCCD Board of Trustees (board_of_trustees@rsccd.edu)