



SB 249 – Intellectual Diversity Act

Senator Melissa Melendez

Background

The First Amendment to the Constitution of the United States of America protects the ability for Americans to exercise freedom of speech. It additionally prevents public colleges from restricting campus speech based on its content.

The [ACLU](#) defends freedom of speech on college campuses calling it “indivisible” and suggesting the right to free speech’s value is typically put to its “severest test” when people disagree. They also state: “Universities are obligated to create an environment that fosters tolerance and mutual respect among members of the campus community, an environment in which all students can exercise their right to participate meaningfully in campus life without being subject to discrimination.”

In 2020, a student from my district attending the College of the Desert through distance learning was dropped by his professor from a computer information class. The tenured professor had asked him to replace his profile-like picture twice, which reflected a Trump 2020 logo. Chris filed a grievance statement with the school, but it wasn’t until he contacted Senator Melendez that he was reinstated back into the class.

Problem Being Addressed

Students should feel comfortable expressing themselves on their college campus, regardless of political affiliation. They should not be targeted because people may not agree with their ideas or political thoughts. Freedom of speech on campuses are crucial to ensuring a diverse educational experience and the development of critical thinking skills.

SB 249 provides protections against discrimination based upon ones political affiliation thereby protecting students who are being shunned by their peers due to their beliefs at educational institutions they attend.

Which code section is affected?

Existing law already establishes a process for the Department of Education to assess if local education agencies have accountability for complaints of discriminatory bullying. SB 249 will amend the Education Code by adding political affiliation to the list of those protections for students in the state of California.

Summary

According to a Turning Point USA [spokesperson](#) and recent college graduate, students are self-censuring before they make a statement or ask a question for fear of retribution from their peers or professors. Roughly 68% of college students say that the current campus climate prevents them from expressing their opinions. She notes that 83% of this group identify as conservative.

A professor for Columbia [wrote](#) about a 2016 survey, where 78% of college students reported favoring an open learning environment “that includes offensive views.” The professor uses this as fodder to argue that there has been no issues of free speech at colleges, and that we should be careful “drawing conclusions based on a handful of sensationalist incidents on campus.”

The reality is, however, that non-profit organizations who promote freedom of speech protections on campus are growing their presence across the nation. This isn’t a coincidence. Perhaps it is true that 78 % of students are prepared to be open minded on campus – so let us give them the chance. Regardless of political affiliation, students in California deserve the opportunity to enhance their learning environment with the free exchange of ideas and hearing views that are not their own. SB 249 simply provides them protection to do so.