

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

**YOUNG AMERICANS FOR FREEDOM
OF KENNESAW STATE UNIVERSITY,
and ZACHARY BOHANNON,**

Plaintiffs,

v.

W. KEN HARMON, Interim President of Kennesaw State University, in his official capacity; **ANDREW NEWTON**, Acting Vice President and Chief Legal Affairs Officer of Kennesaw State University, in his official and individual capacities; **KATHLEEN C. WHITE**, Vice President for Student Affairs of Kennesaw State University, in her official and individual capacities; **MICHAEL SANSEVIRO**, Associate Vice President and Dean of Students of Kennesaw State University, in his official and individual capacities; **RONALD LUNK**, Assistant Dean of Students for Student Life of Kennesaw State University, in his official and individual capacities; **ED BONZA**, Director of Student Activities of Kennesaw State University, in his official and individual capacities; **ANDREW HARVILL**, Associate Director of Student Activities of Kennesaw State University, in his official and individual capacities; **JORDYN CLARK**, Coordinator of Student Organizations of Kennesaw State University, in her official and individual capacities; **TIFANEY MILLWOOD**, Coordinator of Student Activities of Kennesaw State University, in her official and individual capacities; **JANICE MALONE**, Reservation Specialist of Kennesaw State University, in her official and individual capacity; **EDWARD STEPHENS**, Assistant

Case No. _____

JURY TRIAL DEMANDED

Vice President and Acting Chief of Police at Kennesaw State University, in his official and individual capacities; and **TIMOTHY MURPHY**, Special Operations Commander at Kennesaw State University, in his official and individual capacities,

Defendants.

VERIFIED COMPLAINT

Plaintiffs Young Americans for Freedom of Kennesaw State University and Zachary Bohannon, by and through counsel, and for their Verified Complaint against Defendants, hereby state as follows:

INTRODUCTION

1. The cornerstone of higher education is the ability of students to participate in the “marketplace of ideas” on campus. That marketplace depends on free and vigorous debate between students—debate that is spontaneous, ubiquitous, and often anonymous—and is carried out through spoken word, flyers, signs, and displays. But at campuses throughout the country, this marketplace of ideas is under attack. All too often, university officials—including those at Kennesaw State University (“University” or “KSU”) seek to silence or restrict those who express ideas to which they object, using a myriad of different university policies to effectuate this censorship.

2. Seeking to participate in this marketplace of ideas, Plaintiff Young Americans for Freedom of KSU applied to be recognized as a registered student organization (“RSO”). However, Defendants have adopted and enforced an *RSO Classification Policy* that ranks RSOs in four tiers, giving higher-ranking RSOs greater access to campus resources, higher priority in making

reservations on campus, and greater access to student activity fee funding than lower ranking ones. Under this policy, Defendants have unbridled discretion as to how they classify each RSO because the policy uses a variety of inherently subjective factors and provides no guidance as to how those factors should be weighed. Instead, this is a “holistic process that encompasses many factors,” requiring KSU officials to “make the most informed decision possible.” Many of these factors require KSU officials to evaluate the content and viewpoint of each RSO’s expression or are inherently viewpoint- or content-based. One of them conditions an RSO’s level of access to student activity fee funding on its willingness to surrender its constitutionally-protected freedom of association.

3. Enforcing their *RSO Classification Policy*, Defendants have assigned Young Americans for Freedom of KSU to the lowest tier of RSOs, depriving it of any access to student activity fee funding. When Young Americans for Freedom sought a higher classification, Defendants twice refused to confer it and justified their decisions by citing criteria that favor popular, established viewpoints over less popular, newer ones. Later, when Young Americans for Freedom sought funding for an upcoming speaker it invited to campus, Defendants denied this request, stating that RSOs in this lowest tier cannot receive student activity fee funding.

4. Young Americans for Freedom of KSU also seeks to participate in the marketplace of ideas by hosting a speech on campus by Katie Pavlich on March 7, 2018. However, Defendants have adopted and enforced a *Security Fees Policy* which grants Defendants unbridled discretion to impose security fees on an

RSO based upon the content and viewpoint of its expression.

5. Enforcing their *Security Fees Policy*, Defendants have imposed a \$320.00 security fee on Young Americans for Freedom's event with Ms. Pavlich because Defendants have classified this event as "controversial." But curiously, they did not charge the students responsible for organizing a Black Lives Matter protest on one of the main quadrangles on campus any security fee for that event, meaning that they deemed it "noncontroversial."

6. Defendants' actions result in the suppression of Plaintiffs' speech because of its content and viewpoint. In taking these actions, they implemented the challenged University policies, violated Plaintiffs' constitutional rights, and inflicted irreparable injury upon them.

7. This action is premised on the United States Constitution and concerns the denial of Plaintiffs' fundamental and clearly established rights under the Free Speech Clause of the First Amendment, the unconstitutional conditions doctrine, and the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

JURISDICTION AND VENUE

8. This civil rights action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

9. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

10. This Court has authority to award the requested damages pursuant

to 28 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. §§ 2201–02; the requested injunctive relief pursuant to 28 U.S.C. § 1343 and FED. R. CIV. P. 65; and costs and attorney’s fees under 42 U.S.C. § 1988.

11. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in this district and all of the acts described in this Complaint occurred in this district.

PLAINTIFFS

12. Plaintiff Zachary Bohannon is a current, full-time student at KSU.

13. Mr. Bohannon transferred to KSU in the fall of 2016 and has remained a student at KSU for every semester since then.

14. As a KSU student, Mr. Bohannon pays KSU’s mandatory student activity fee every semester and has done so every semester in which he has been enrolled at KSU.

15. For Mr. Bohannon, KSU’s mandatory student fee amounts to \$39.00 per semester.

16. Mr. Bohannon has paid \$156.00 in mandatory student activity fees during his time at KSU.

17. Mr. Bohannon is a member of Young Americans for Freedom of KSU and currently serves as the group’s co-chairman.

18. Plaintiff Young Americans for Freedom of KSU (“Young Americans for Freedom”) is an RSO at KSU.

19. Young Americans for Freedom is “committed to ensuring that increasing numbers of young Americans understand and are inspired by the ideas of

individual freedom, a strong national defense, free enterprise and traditional values.”

20. Young Americans for Freedom exists to promote, among other things, “the individual’s use of his God-given free will, when derives his right to be free of arbitrary force,” and greater understanding of the Constitution and how it “restrain[s] [government] from the concentration and abuse of power.”

21. Young Americans for Freedom trains and equips students regarding conservative values by connecting with students, providing them resources, connecting them with conservative speakers, and hosting conferences, all with a mind to empowering students to express their conservative viewpoint.

22. Young Americans for Freedom expresses its message on KSU’s campus through a variety of peaceful means, including film viewings, literature distribution, dialoging with fellow students, and hosting speakers.

23. When engaging in their respective expressive activities, Plaintiffs discuss or desire to discuss ideological, religious, social, cultural, and moral issues and ideas.

24. Mr. Bohannon and every student member of Young Americans for Freedom pay mandatory student activity fees at KSU.

25. Mandatory student fees paid by Mr. Bohannon and every student member of Young Americans for Freedom have been and will be allocated to student groups for causes to which they object, including advocacy of leftist political ideas and viewpoints that diverge from (and even oppose) Young Americans for Freedom’s beliefs.

26. Mr. Bohannon and every student member of Young Americans for Freedom are entitled to viewpoint-neutral access to and allocation of the mandatory student activity fees collected by KSU or to the repayment of the fees they have paid and to be exempt from paying such fees in the future.

27. Part of Young Americans for Freedom's mission is to be an expressive student organization at KSU and to protect its members' constitutional rights on campus.

28. If Young Americans for Freedom succeeds in this lawsuit, its members will not be compelled to pay for others' expression in a system that permits viewpoint discriminatory allocation of those funds to views they oppose, and it will not be required to pay security fees because Defendants classify its views as controversial.

29. Young Americans for Freedom brings this suit on behalf of itself as an RSO at KSU and on behalf its individual student members.

DEFENDANTS

30. Defendant W. Ken Harmon is the Interim President of KSU.

31. KSU is part of the University System of Georgia and receives funding from the State of Georgia to operate.

32. As interim president of KSU, Defendant Harmon is the chief executive and administrative authority of KSU.

33. Defendant Harmon's authority and powers include oversight and control of KSU.

34. Defendant Harmon's duties include, among others, authorizing,

executing, enforcing, and implementing the policies governing students at KSU and overseeing the operation and management of KSU.

35. Defendant Harmon directly oversees Defendants Newton and White.

36. As interim president of KSU, Defendant Harmon has the responsibility for final policymaking authority concerning students at KSU.

37. As interim president of KSU, Defendant Harmon possesses the authority and responsibility for coordination and approval of student expression on campus.

38. As interim president of KSU, Defendant Harmon is aware of the content and viewpoint discrimination authorized by and occurring under the challenged policies and has not instructed KSU personnel, including the other Defendants, to change or alter those policies or related practices to comply with constitutional mandates.

39. As interim president, Defendant Harmon has the authority to review, approve, or reject the decisions of other University officials, including the other Defendants, regarding the policies challenged herein.

40. Defendant Harmon authorized, approved, and implemented the policies that are challenged herein and that were used to restrict Plaintiffs' expression.

41. Defendant Andrew Newton is, and was at all times relevant to this Complaint, the Vice President and Chief Legal Affairs Officer of KSU.

42. Defendant Newton is responsible for enforcement of the policies challenged herein by KSU employees.

43. Defendant Newton is responsible for overseeing KSU's Department of

Public Safety and Police, and in this capacity, he oversees Defendants Stephens and Murphy. He is thus responsible for creating, reviewing, changing, authorizing, and enforcing the policies of that department, including the policies challenged herein.

44. Defendant Newton is responsible for ensuring that all operations of KSU comport with law.

45. All changes in campus policy concerning expressive activity are made only with the prior consultation and approval of Defendants Harmon and Newton.

46. Defendant Kathleen C. White is, and was at all times relevant to this Complaint, the Vice President of Student Affairs at KSU.

47. Defendant White is responsible for overseeing KSU's Department of Student Life, and in this capacity, she oversees Defendants Sanseviro, Lunk, Bonza, Harvill, Clark, Millwood, and Malone. She is thus responsible for creating, reviewing, changing, authorizing, and enforcing the policies of that department, including the policies challenged herein.

48. Defendant White has authorized and sanctioned the application of the policies challenged herein to students and RSOs in an unconstitutional manner.

49. Defendants Harmon, Newton, and White each possesses the authority to change the policies challenged herein to comply with constitutional mandates, but they have neither changed these policies nor instructed any KSU employees to change them to comply with constitutional requirements.

50. Defendant Michael Sanseviro is, and was at all times relevant to this Complaint, the Associate Vice President of Student Affairs and Dean of

Students at KSU.

51. Defendant Sanseviro directs the Department of Student Life which encompasses the officials who review requests to reserve facilities. Specifically, he supervises Defendant Lunk.

52. Defendant Sanseviro has the authority to direct the application of the policies challenged herein to student speech, as well as the authority to suggest changes to the rules challenged herein.

53. Defendant Sanseviro directly oversees the RSO classification process and is the final authority on any classification appeal.

54. In their respective positions, Defendants White and Sanseviro have each authorized and sanctioned other KSU officials, including the other Defendants, in applying the policies challenged herein to students and RSOs, including Plaintiffs, in an unconstitutional manner.

55. In their respective positions, Defendants Harmon, Newton, White, and Sanseviro are each responsible for administration and policymaking for the University, including the policies challenged herein.

56. Defendant Ronald Lunk is, and was at all times relevant to this Complaint, Dean of Students at KSU.

57. Defendant Lunk, under the direction of Defendants Sanseviro and White, leads the Office of Student Life and directs its creation, review, amendment, and enforcement of policies and procedures concerning student speech and campus use, including the policies challenged herein.

58. Defendant Lunk is the first level of appellate authority regarding

RSO classifications.

59. The Office of Student Life created and enforced the policies challenged herein under the direction of Defendant Lunk.

60. Defendant Lunk is responsible for overseeing the Office of Student Life and Defendants Ed Bonza and Andrew Harvill, and for creating, reviewing, changing, authorizing, and enforcing the policies of that office, including the policies challenged herein.

61. Defendant Ed Bonza is, and was at all times relevant to this Complaint, the Director of Student Activities at KSU.

62. Defendant Bonza, under the direction of Defendants Lunk, Sanseviro, and White, leads the Department of Student Activities and directs its creation, review, amendment, and enforcement of policies and procedures concerning student speech and campus use, including the policies challenged herein.

63. Defendant Bonza is responsible for overseeing and supervising the Department of Student Activities at KSU (including the Reservations Department) and Defendants Harvill, Clark, Millwood, and Malone, and for creating, reviewing, changing, authorizing, and enforcing the policies of that department, including the policies challenged herein.

64. Defendant Andrew Harvill is, and was at all times relevant to this Complaint, the Associate Director of Student Life at KSU.

65. In their respective positions, Defendants Sanseviro, Lunk, Bonza, and Harvill each has authority to recommend changes to the policies challenged herein to comply with constitutional mandates, but they have each failed to

recommend any changes to these policies or to take any steps to remedy the discriminatory application of these policies.

66. In their respective positions, Defendants Harmon, Newton, White, Sanseviro, Lunk, Bonza, and Harvill are responsible for developing, enacting, administering, interpreting, overseeing, implementing, and enforcing KSU policies, including the policies challenged herein, and their application to student speech.

67. All applications of the policies challenged herein are made under the authority of Defendants Harmon, White, Sanseviro, Lunk, Bonza, and Harvill.

68. All mandatory student activity fees at KSU were collected under the authority of Defendants Harmon, White, Sanseviro, Lunk, Bonza, and Harvill.

69. Defendant Jordyn Clark is, and was at all times relevant to this Complaint, the Coordinator of Student Organizations at KSU.

70. Defendant Clark possesses the authority to supervise Defendants Millwood and Malone.

71. Defendant Tifaney Millwood is, and was at all times relevant to this Complaint, the Coordinator of Student Activities at KSU.

72. Defendant Millwood possesses the authority supervise Defendant Malone.

73. Defendant Millwood authorized and sanctioned the application of the policies challenged herein to student speech.

74. Defendant Janice Malone is, and was at all times relevant to this Complaint, a Reservation Specialist at KSU.

75. Defendant Edward Stephens is, and was at all times relevant to this

Complaint, the Assistant Vice President and Acting Chief of Police at KSU.

76. Defendant Stephens, under the direction of Defendant Newton, leads the Department of Public Safety and Police and directs its creation, review, amendment, and enforcement of policies and procedures concerning student speech and campus use, including the policies challenged herein.

77. Defendant Stephens is responsible for overseeing and supervising the Department of Public Safety and Police and Defendant Murphy and for creating, reviewing, changing, authorizing, and enforcing the policies of that department, including the policies challenged herein.

78. Defendant Timothy Murphy is, and was at all times relevant to this Complaint, the Special Operations Commander in the Department of Public Safety and Police at KSU.

79. Defendant Murphy authorized and sanctioned the application of Defendants' *Security Fees Policy* to student speech.

80. In their respective positions, Defendants Clark, Millwood, Malone, Stephens, and Murphy are responsible for enforcing, implementing, and applying KSU policies, including the policies challenged herein, to students and student organizations.

81. In their respective positions, Defendants White, Clark, Millwood, Malone, Stephens, and Murphy each possesses the authority to direct whether to charge RSOs security fees based on their expressive activities and how much to charge in those fees.

82. In their respective positions, Defendants Bonza, Harvill, Millwood,

Malone, Stephens, and Murphy each has the authority to interpret and apply the policies challenged herein to students and student organizations.

83. Each and every Defendant, independently and in consultation with each other, is responsible for enforcing the policies challenged herein and for their application to Plaintiffs' speech.

84. Defendants Harmon, Newton, White, Sanseviro, Lunk, Bonza, Harvill, Clark, Millwood, Malone, Stephens, and Murphy have failed to stop KSU officials, including each other, from applying the policies challenged herein to students and student organizations, including Plaintiffs.

85. Defendant Harmon is sued in his official capacity for injunctive and declaratory relief.

86. Defendants Newton, White, Sanseviro, Lunk, Bonza, Harvill, Clark, Millwood, Malone, Stephens, and Murphy are each sued in his or her official capacity for injunctive and declaratory relief and in his or her individual capacity for damages resulting from the policies challenged herein.

FACTUAL BACKGROUND

87. KSU is a public university organized and existing under the laws of the State of Georgia and receives funding from the State of Georgia to operate.

88. For all of KSU's students—and especially for the many who live on campus—KSU's campus is their town square where they socialize and engage in a variety of expressive activities.

I. DEFENDANTS' UNCONSTITUTIONAL POLICIES

A. DEFENDANTS' UNCONSTITUTIONAL *SECURITY FEES POLICY*

89. Defendants' *Security Fees Policy*, which curtails students' expressive

activities on campus, is found in Section VI.l of their *General RSO Policies & Guidelines*, which in turn is found in Defendants' *Registered Student Organization Manual 2017–2018*. A true, accurate, and complete copy of Defendants' *Registered Student Organization Manual 2017–2018* is attached as Exhibit 1 to this Complaint.

90. Plaintiffs challenge, facially and as-applied, Defendants' *Security Fees Policy* which grants KSU officials unbridled discretion over whether and how much to charge an RSO for security services associated with one of its events.

91. Defendants retain discretion as to whether to charge RSOs for security at any events the RSO may organize and how much to charge in security fees for any given RSO event.

92. Defendants' *Security Fees Policy* specifies that “[s]ome on-campus events hosted by RSOs may be required to provide additional security . . . assistance depending on the type, nature, attendance, and logistics of the event.” Ex. 1 at 22 § VI.l.

93. Evaluating an event’s “type” and “nature” necessitates evaluating content and viewpoint of the expression in determining whether to require security.

94. When evaluating an event hosted by an RSO under Defendants' *Security Fees Policy*, KSU officials assess security fees for events they deem “controversial.”

95. Defendants' *Security Fees Policy* contains no objective and comprehensive guidelines, standards, or criteria to limit the discretion of KSU officials when assessing whether additional security assistance will be required for a

specific event, thereby giving these officials unbridled discretion.

96. Defendants' *Security Fees Policy* states that "[t]his additional security . . . assistance may come at a cost to the RSO." Ex. 1 at 22 § VI.l.

97. Defendants' *Security Fees Policy* contains no objective and comprehensive guidelines, standards, or criteria to limit the discretion of KSU officials when deciding (1) whether to charge an RSO for this additional security assistance or (2) how much to charge the RSO for this additional security assistance, thereby giving these officials unbridled discretion.

B. DEFENDANTS' UNCONSTITUTIONAL *RSO CLASSIFICATION POLICY*

98. Defendants recognize that "[s]tudent [o]rganizations are a vital part of the campus community at KSU." Ex. 1 at 4.

99. Therefore, Defendants have created a system for granting student organizations official recognition on campus, thereby entitling those groups to a variety of rights and privileges and making them full-fledged members of the campus community. *See* Ex. 1 at 5.

100. Defendants also recognize that student organizations are not part of the University itself but instead remain private entities. Ex. 1 at 13.

101. However, Defendants use a collection of related policies to allocate resources among RSOs in an unconstitutional fashion. These policies will be collectively referenced as Defendants' *RSO Classification Policy* and include the following documents:

- Defendants' *Registered Student Organization Manual 2017–2018* (*i.e.*, Ex. 1); and

- Defendants’ *RSO Classification Guide*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 2.

102. As detailed in subsequent paragraphs, Plaintiffs challenge, facially and as-applied, the provisions of Defendants’ *RSO Classification Policy* that:

- Grant KSU officials unbridled discretion to determine an RSO’s access to campus resources and student activity fee funding, both by using inherently subjective criteria and by providing no guidance as to how those factors are to be weighed. *See infra* ¶¶ 103–92.
- Require KSU officials to evaluate the content and viewpoint of an RSO’s expression to determine its level of access to campus resources and student activity fee funding. *See infra* ¶¶ 103–92.
- Utilize viewpoint-based criteria to determine whether an RSO can receive student activity fee funding. *See infra* ¶¶ 105–10, 124–92.
- Condition an RSO’s access to student activity fee funding on its willingness to surrender its freedom of expressive association. *See infra* ¶¶ 105–10, 157–70.

1. Defendants’ RSO Classification Structure

103. Under the *RSO Classification Policy*, “[a]ll RSOs are assigned to one of four classifications”: recognized, affiliated, sponsored, and chartered in ascending order of priority and status. *See* Ex. 1 at 6–7; Ex. 2 at 1.

104. Each ascending classification level carries with it greater privileges and greater access to resources and student activity fee funding for the RSO.

a. Recognized Organizations

105. “Recognized” is the lowest level of classification.

106. Recognized organizations “may reserve rooms, identify their affiliation with KSU within the guidelines established in this manual, and charge membership dues to fund their desired organization-specific activities and self-manage those funds,” but “typically will not independently host large-scale events seeking a broad University-wide audience.” *See Ex. 1 at 7.*

107. At the University, student activity fee funds are allocated to RSOs through the Student Activities Budget Advisory Committee (“SABAC”), which advises the Vice President for Student Affairs and “assists with the distribution of Student Activity Fee money to RSOs through the form of annual budgets (chartered and sponsored classified RSOs) and specific event/travel funding (affiliated classified RSOs).” *Ex. 1 at 11.*

108. Defendants’ *RSO Classification Policy* states that RSOs in the recognized tier “are not eligible for SABAC funding” and thus cannot receive student activity fee funding. *See Ex. 1 at 7.*

109. Defendants also publish a matrix of the privileges afforded to RSOs in the different classifications. *See Ex. 2 at 5.*

110. Defendants’ matrix of privileges notes that RSOs ranked as “recognized” are not “[e]ligible for SABAC [f]unding.” *Ex. 2 at 5.*

b. Affiliated Organizations

111. “Affiliated” is the classification ranking one step above “recognized.” *Ex. 1 at 7; Ex. 2 at 1.*

112. Affiliated RSOs “may reserve space and receive funding for specific purposes that are open to all students and serve a greater programmatic

function than just specific limited organizational activities.” *See* Ex. 1 at 7.

113. Defendants’ *RSO Classification Policy* specifies that “affiliated” RSOs are “[e]ligible for SABAC [f]unding,” but these groups will receive funding only after the “annual budgets” for chartered and sponsored groups are allocated. Ex. 2 at 5.

114. Defendants’ *RSO Classification Policy* specifies that “affiliated” RSOs can receive student activity fee funding only “through specific requests,” not through the annual budgets that RSOs in the two higher tiers receive. Ex. 2 at 5.

c. Sponsored Organizations

115. “Sponsored” is the classification ranking one step above “affiliated” and is the second-highest tier. Ex. 1 at 7; Ex. 2 at 1.

116. Sponsored RSOs receive “an assigned full-time advisor,” though the role of advisor may not be in this person’s job description, and they may “request office or shared workspace, receive priority reservation for coordinated large-scale programming, request an annual budget, request expanded travel funds, and receive group training.” Ex. 1 at 7.

d. Chartered organizations

117. “Chartered” is the highest classification ranking. Ex. 1 at 6–7; Ex. 2 at 1.

118. Chartered RSOs receive “an assigned full-time professional staff advisor,” whose job description includes this role, and they “may request office space, receive priority space reservations, request an annual budget [and] are eligible to provide stipends to officers.” In addition, they may “submit special requests to SABAC for longer-term financial planning if activities may span multiple fiscal years.” Ex. 1 at 6–7.

119. Both sponsored and chartered RSOs are eligible to receive student activity fee funding through an annual budget. *See* Ex. 2 at 5.

120. RSOs that receive an annual budget have greater flexibility in planning activities and events throughout the year than affiliated RSOs, which must request funding for specific events.

121. Defendants also give chartered and sponsored RSOs “[p]riority reservations,” meaning that reservation requests from these RSOs have priority over those from affiliated or recognized RSOs. Ex. 2 at 5.

122. Chartered and sponsored RSOs receive “space reservation priority,” meaning that they “may receive more advanced access to reserve space and/or the ability to place a reservation hold on spaces during dates and times when these groups have historically held signature events.” Ex. 1 at 20.

123. As a result, affiliated and recognized RSOs have less access to campus spaces and less priority when reserving those spaces than do chartered and sponsored RSOs.

2. Defendants’ RSO Classification Criteria

124. Through their *RSO Classification Policy*, Defendants assign RSOs to a classification tier using factors that give KSU officials unbridled discretion in the assignment decision, that require KSU officials to evaluate the content and viewpoint of an RSO’s expression to determine its classification tier, or that condition an RSO’s classification tier on its willingness to surrender its freedom of expressive association.

a. RSO’s Connection with the University

125. Defendants’ *RSO Classification Policy* states that an RSO’s

classification tier depends on its connection with the University.

126. Under Defendants' *RSO Classification Policy*, "[c]lassifications for groups that have a stronger connection to the University will receive access to greater resources from the University," but "[c]lassifications for groups that have minimal formal connection to the University will have access to more limited resources." Ex. 1 at 6; Ex. 2 at 1.

127. Defendants also make it clear that an "organization's classification is directly related to . . . the strength of connection it has to University operations." Ex. 1 at 6; Ex. 2 at 1.

128. Defendants define chartered RSOs to include those that are "closely aligned with a University department or office." Ex. 1 at 6; Ex. 2 at 2.

129. Defendants define sponsored RSOs to include those that "could have responsibility for functions and/or events that are specifically linked to Chartered Organizations." Ex. 1 at 7; Ex. 2 at 2.

130. Defendants define affiliated RSOs to include those that "typically require minimal support from the University to function." Ex. 1 at 7; Ex. 2 at 2.

131. Defendants define recognized RSOs to include those that "typically require minimal to no support from the University to function." Ex. 1 at 7; *accord* Ex. 2 at 2.

132. Defendants' *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in assessing an RSO's connection to KSU, thereby granting these officials unbridled discretion to assess this on a continuum.

b. RSO's Connection to the Mission of KSU

133. Defendants' *RSO Classification Policy* requires KSU officials to assess how closely aligned an RSO's mission and activities are with KSU's mission.

134. Defendants make it clear that an "organization's classification is directly related to the purpose . . . of the organization." Ex. 2 at 1.

135. Defendants reiterate that "[f]or purposes of determining a classification," KSU officials "look[] at the primary mission of an RSO first before other aspects of organizational operations that may be more tangential or secondary in nature." Ex. 2 at 4.

136. Defendants' *RSO Classification Policy* specifies that "[c]onnection to the KSU [m]ission" is defined to mean "the relevance in an RSO's mission and function as an agent of promotion and/or fulfilling aspects of the University's mission." Ex. 2 at 2.

137. "RSOs that have a strong connection to the KSU mission are ones that are regarded as prime agents in assisting with achieving the University's mission." Ex. 2 at 2.

138. In contrast, "RSOs that have a minimal or indirect connection to the mission are not regarded as key stakeholders in achieving the University mission, even though some organizational activities may promote the University's mission." Ex. 2 at 2.

139. Defendants define chartered RSOs to mean that the "organization and its activities are critical to the mission and culture of the University, inherently linked to the [U]niversity, or are an integral part of the institution." Ex. 1 at 6; Ex. 2 at 2.

140. Defendants describe chartered RSOs as those with a “[d]irect/[s]trongest” “[c]onnection to KSU [m]ission.” Ex. 2 at 4.

141. Defendants define sponsored RSOs to mean that the “organization contributes to the mission and culture of the University.” Ex. 1 at 7; Ex. 2 at 2.

142. Defendants describe sponsored RSOs as those whose “[c]onnection to KSU [m]ission” is “[s]trong.” Ex. 2 at 4.

143. Defendants define affiliated RSOs to mean that the “organization is one of common interest among a group of students, . . . and remains consistent with the mission and culture of the University.” Ex. 2 at 2; *accord* Ex. 1 at 7.

144. Defendants describe affiliated RSOs as those whose “[c]onnection to KSU [m]ission” is “[m]inimal.” Ex. 2 at 4.

145. Defendants describe recognized RSOs as those whose “[c]onnection to KSU [m]ission” is “[i]ndirect/[m]inimal.” Ex. 2 at 4.

146. Defendants’ *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in assessing how an RSO’s mission aligns with KSU’s, thereby granting these officials unbridled discretion to assess this on a continuum.

c. Complexity of RSO’s Activities

147. Moreover, Defendants’ *RSO Classification Policy* requires KSU officials to assess the relative complexity of an RSO’s activities, without providing any objective criteria for this determination.

148. Defendants define chartered RSOs to include those whose “activities and events are University-wide and complex.” Ex. 1 at 6; Ex. 2 at 2.

149. Defendants describe chartered RSOs as those whose events are “often large scale or university wide.” Ex. 2 at 4.

150. Defendants define sponsored RSOs to include those whose “activities and events are moderately complex.” Ex. 1 at 7; Ex. 2 at 2.

151. Defendants describe sponsored RSOs as those whose events “may be university-wide or target populations.” Ex. 2 at 4.

152. Defendants define affiliated RSOs to include those whose “activities are less complex but still serve the needs and interests of segments of students.” Ex. 1 at 7; Ex. 2 at 2.

153. Defendants describe affiliated RSOs as those whose events are “typically smaller scale with target populations.” Ex. 2 at 4.

154. Defendants define recognized RSOs to include those that “may hold meetings and sponsor limited-scope activities, but typically will not independently host large-scale events seeking a broad University-wide audience.” Ex. 1 at 7.

155. Defendants describe recognized RSOs as those who are “[n]ot required to host open events or programs.” Ex. 2 at 4.

156. Defendants’ *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in assessing the complexity of an RSO’s activities, thereby granting these officials unbridled discretion to assess this on a continuum.

d. RSO’s Membership Policies

157. Furthermore, Defendants’ *RSO Classification Policy* requires KSU

officials to evaluate the membership policies of each RSO and assess whether each RSO is willing to surrender its right to expressive association.

158. To obtain a classification as affiliated or higher, an RSO must be “open to all students,” even if those students oppose the RSO’s mission and undermine its message. Ex. 1 at 7.

159. Defendants describe the membership of chartered RSOs as being “[a]ll [s]tudents,” and the membership of sponsored and affiliated RSOs as being “open membership.” Ex. 2 at 4.

160. Defendants allow RSOs that “represent[] a common interest among some group of students, or a narrow and specific common affiliation that may only apply to a subset of students” to be classified only as “recognized.” Ex. 1 at 7.

161. Defendants’ *RSO Classification Policies* distinguish between “open membership” RSOs and “restrictive membership” RSOs. Ex. 1 at 15.

162. To be an “open membership” RSO, a group “must be available for membership to all currently enrolled KSU students.” Ex. 1 at 15. That is, “[a]ny student who is currently enrolled at KSU may join the organization.” Ex. 2 at 2.

163. But Defendants allow RSOs to impose various membership restrictions and still retain “open membership” status. Ex. 1 at 15; Ex. 2 at 2.

164. Defendants allow RSOs to “use a few basic expectations to meet and sustain membership in their organization, such as attendance at meetings or payment of dues.” Ex. 1 at 15; Ex. 2 at 2.

165. In addition, performing arts groups may retain “open membership” status and still “conduct an audition process if they also provide some

educational opportunities for all interested students.” Ex. 1 at 15; Ex. 2 at 2.

166. Defendants also allow RSOs to retain “open membership” status if they discriminate on the basis of gender, as long as they are “formally affiliated with a national entity that has Title IX exemption status for gender.” Ex. 1 at 15; Ex. 2 at 2.

167. Defendants also allow honor societies to limit membership “based on GPA and other qualifiers as it relates to their stated mission in their constitution (e.g.,] only available to specific majors)” and still retain “open membership” status. Ex. 1 at 15.

168. An RSO qualifies as a “restrictive membership” group if it has “barriers to entry that prevent all students from becoming members of their organization,” meaning “any other restriction aside from those approved above [*i.e.*, those outlined *supra* ¶¶ 162–67].” Ex. 1 at 15; *accord* Ex. 2 at 2.

169. Under Defendants’ *RSO Classification Policy*, “[a]ll RSOs with restrictive membership must be classified as ‘Recognized.’” Ex. 1 at 15; *accord* Ex. 2 at 2 ; Ex. 2 at 4.

170. Defendants’ *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in determining whether an RSO qualifies as “open membership” or “restricted membership,” thereby granting these officials unbridled discretion.

e. RSO’s Longevity

171. Defendants’ *RSO Classification Policy* also requires KSU officials to evaluate an RSO’s longevity when assigning it to a classification tier, thereby

favoring more established groups over newer ones.

172. Defendants describe chartered RSOs as having “10+ years of uninterrupted operation.” Ex. 2 at 4.

173. Defendants describe sponsored RSOs as having “5+ years of uninterrupted operation.” Ex. 2 at 4.

174. Defendants describe affiliated RSOs as having “1+ years of uninterrupted operation.” Ex. 2 at 4.

175. Defendants impose no longevity or sustainability requirement on recognized RSOs. Ex. 2 at 4.

f. RSO’s Size

176. Defendants’ *RSO Classification Policy* also requires KSU officials to evaluate the relative size of an RSO when assigning it to a classification tier, thereby favoring larger groups over smaller ones.

177. Defendants state that an “organization’s classification is directly related to the . . . size . . . of the organization.” Ex. 2 at 1.

178. Defendants’ *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in assessing an RSO’s size, thereby granting these officials unbridled discretion to assess this on a continuum.

g. RSO’s Scope

179. Defendants’ *RSO Classification Policy* also requires KSU officials to evaluate the relative scope of an RSO when assigning it to a classification tier, thereby favoring larger groups over smaller ones.

180. Defendants state that an “organization’s classification is directly

related to the . . . scope of the organization.” Ex. 2 at 1.

181. Under Defendants’ *RSO Classification Policy*, “scope” refers to the “breadth and impact of the RSOs events and programs.” Ex. 2 at 3.

182. Defendants continue by noting that “[s]ome RSOs will naturally be driven to host events that attract or benefit large numbers of students while some RSOs by virtue of their operations or nuanced interest will only impact a small number of students.” Ex. 2 at 3.

183. According to Defendants, chartered RSOs have a scope that “[s]erves all university students.” Ex. 2 at 4.

184. According to Defendants, sponsored RSOs have a scope that “serves large numbers of students or specific target population[s].” Ex. 2 at 4.

185. According to Defendants, the scope of affiliated and recognized RSOs means that the “[n]umber of students served may vary.” Ex. 2 at 4.

186. Defendants’ *RSO Classification Policy* provides no objective and comprehensive guidelines, standards, or criteria for KSU officials to use in assessing an RSO’s scope, thereby granting these officials unbridled discretion to assess this on a continuum.

h. Holistic review

187. Not only are the various criteria in this classification system inherently subjective, but Defendants also have unbridled discretion in how they are applied to a specific RSO.

188. Under Defendants’ *RSO Classification Policy*, “classifications will be assigned to RSOs via a holistic review of each individual RSO using [the factors

outlined above].” Ex. 2 at 4.

189. Defendants emphasize that the criteria outlined above are just “a general guide” and that “[a]ssignment to a classification is a holistic process that encompasses many factors.” Ex. 2 at 4.

190. Defendants note that some “RSOs . . . will seemingly have characteristics, operations, or mission objectives that could fall in many different types of classifications.” Ex. 2 at 4.

191. Indeed, “*an RSO may have qualities inherent to multiple classifications.*” Ex. 2 at 4.

192. Thus, Defendants direct KSU officials to “review each RSO’s credentials . . . and make the most informed decision possible.” Ex. 2 at 4.

3. Defendants’ RSO Classification Process

193. Under Defendants’ *RSO Classification Policy*, “[a]ll new RSOs are initially classified as ‘Recognized’ when they are first established.” Ex. 1 at 18.

194. But “[a]fter one academic semester of operation, RSOs are able to request a new classification through a petition for classification change” that is submitted to the Department of Student Activities. Ex. 1 at 18.

195. In this petition, RSOs must “provide information related to their organizational operations, programs and services, history, membership, and governing documents.” Ex. 2 at 3.

196. A “recommendation committee comprised of students, faculty, and staff” then review these petitions and “determine whether the classification requested by the organization is the one that the committee believes it should

be assigned.” Ex. 2 at 3.

197. The nine voting members of this recommendation committee are selected by the Assistant Dean of Students (*i.e.*, Defendant Lunk), and the Associate Director for Student Activities (*i.e.*, Defendant Harvill) serves as its chair. Ex. 2 at 3.

198. If it chooses, the committee can request that an “RSO attend a committee meeting in order to provide additional details if the application alone does not provide the committee with sufficient evidence in order to determine a classification.” Ex. 2 at 3.

199. Therefore, the KSU officials on this committee have unbridled discretion as to how much information they require a specific RSO to provide before deciding its classification.

200. “After reviewing applications and hearing presentations if requested, the committed will vote to recommend a classification for each RSO, requiring a two thirds vote to do so.” Ex. 2 at 3.

201. If the committee cannot reach a two-thirds consensus, “the committee chair will decide.” Ex. 2 at 3.

202. The recommendations committee assesses the classification of an RSO using a classification rubric contained in Defendants’ *RSO Classification Policy*. See Ex. 2 at 4.

203. However, that classification rubric itself says that it is “a general guide” and that “[a]ssignment to a classification is a holistic process that encompasses many factors.” Ex. 2 at 4.

204. Defendants' classification rubric outlines seven highly subjective factors, many of which are outlined above. *See supra* Part I.B.2 (setting forth the classification factors).

205. After the recommendation committee "has assigned an initial classification recommendation to all RSOs," it turns "over the recommendations to the Director of Student Activities [*i.e.*, Defendant Bonza], who will make the initial classification decisions." Ex. 2 at 4.

206. If an RSO wants to appeal its initial classification, it must "send a formal appeal in writing via e-mail to Assistant Dean of Students for Student Life, Ron Lunk." Ex. 2 at 6.

207. That appeal "may be received no later than two weeks after the organization has been notified of [its] initial classification." Ex. 2 at 6.

208. RSOs that desire a higher classification ranking must submit a petition to the Department of Student Activities in the fall semester. Ex. 1 at 18.

209. If the Department of Student Activities approves this petition, the "changes to classification . . . will take effect the following spring semester." Ex. 1 at 18.

210. If the Department of Student Activities denies the petition for classification change, the RSO "may appeal . . . by submitting a written appeal via email to the Assistant Dean of Student Life [*i.e.*, Defendant Lunk] within five (5) business days of the decision." Ex. 1 at 19.

211. If the Assistant Dean of Student Life affirms the denial, the RSO may "further appeal[] to the Dean of Students [*i.e.*, Defendant Sanseviro] in writing

via e-mail . . . within five (5) business days of the notification of the decision of the Assistant Dean.” Ex. 1 at 19.

212. RSOs appealing their initial classification similarly “have the right to a second appeal made to the Dean of Students” that “must be submitted to the Dean of Students via e-mail . . . within five business days of receipt of decision from the Assistant Dean.” Ex. 2 at 6.

213. In both instances, the Dean of Students’ decision is final. Ex. 3 at 19; Ex. 2 at 6.

C. SANCTIONS FOR VIOLATING DEFENDANTS’ POLICIES

214. Students or RSOs who violate KSU policies (*e.g.*, Defendants’ *RSO Classification Policy*) are subject to various sanctions.

215. Defendants make it clear that “[i]f an RSO or individuals affiliated with an RSO violate KSU policies or protocols, the RSO in question will be sent through the RSO Conflict Resolution process.” Ex. 1 at 32.

216. Defendants, specifically “the Department of Student Activities[,] reserve[] the right to levy any sanction on RSOs (and individuals associated with RSOs) found responsible for misconduct.” Ex. 1 at 32.

217. Possible sanctions include “written warning, suspension of RSO privileges, removal of officers of an RSO, loss of existing reservations and/or funding.” Ex. 1 at 33.

II. DEFENDANTS’ ENFORCEMENT OF THEIR UNCONSTITUTIONAL POLICIES

A. DEFENDANTS’ ENFORCEMENT OF THEIR UNCONSTITUTIONAL SECURITY FEES POLICY

218. Young Americans for Freedom has invited a speaker, Katie Pavlich,

to give a lecture on campus on March 7, 2018 regarding how the media is being used in our current political climate.

219. Plaintiffs began planning the event with Ms. Pavlich in December of 2017 and have expended significant time in the planning process. They have also requested time off from work to be able to coordinate and attend the event. Plaintiffs have also paid \$60.00 in advertising for the event, despite the fact that Young Americans for Freedom has been denied any student activity fee funding as well as any funding from KSU.

220. As early as January 9, 2018, Young Americans for Freedom notified Defendants of its plans to host a lecture by Ms. Pavlich. An e-mail string between various KSU officials and various representatives of Young Americans for Freedom regarding this event is attached as Exhibit 3 to this Complaint.

221. Initially, Plaintiffs' reservation request was approved. Subsequently, the status of the reservation was changed to "Pending Security Review."

222. On January 31, 2018, Ms. Sarah Williams, a Special Events Coordinator in the Department of Public Safety, e-mailed Defendant Malone, informing her that Defendant Murphy had decided that "the addition of an officer will be needed for this event." Ex. 3 at 3.

223. On February 1, 2018, Defendant Malone e-mailed Ms. Jaimeson Hahn, a co-chair of Young Americans for Freedom, an invoice in the amount of \$320.00 for security for Ms. Pavlich's lecture. Ex. 3 at 2, 7.

224. Defendant Malone asked Ms. Hahn to "confirm that your organization plans to move forward with this event and how you plan to pay the security

fee. Once you've done this, I will confirm your event." Ex. 3 at 2.

225. On February 19, 2018, Ms. Hahn e-mailed Defendant Malone to inquire why security, specifically the additional police officer, was required for Ms. Pavlich's lecture. Ex. 3 at 1–2.

226. On February 20, 2018, Defendant Malone responded that the University Police Department "determine[s] what constitutes the best safety measure based upon the type of event and who the particular speaker, entertainer, etc. will be." Ex. 3 at 1.

227. Defendant Malone continued by saying: "Based upon the speaker you plan on hosting for your event and your projected amount of attendees, there is a little more controversy surrounding this person than that of other lesser know [sic] individuals. In light of this Public Safety has deemed it necessary, for the sake of precaution, to have both officers there." Ex. 3 at 1.

228. Defendant Malone concluded by again asking Ms. Hahn to let her know how Young Americans for Freedom plans on paying the security costs. Ex. 3 at 1.

229. In assessing these security fees on Young Americans for Freedom, Defendants enforced and applied their *Security Fees Policy*.

230. Defendants assessed these security fees even though Young Americans for Freedom and Ms. Pavlich have always expressed their views and advocated their positions using peaceful means of expression and persuasion.

231. Defendants' *Security Fees Policy* and their enforcement of it burdens Plaintiffs' speech for multiple reasons.

232. First, by engaging in expressive activities on campus, including hosting speakers, Young Americans for Freedom and all other RSOs expose themselves to potential liability for security fees, and Defendants retain complete discretion as to whether or how much to charge.

233. Defendants' *Security Fees Policy* and their enforcement of it requires KSU to consider a variety of content- and viewpoint-based factors in determining whether to assess a security fee on RSOs.

234. Second, in applying their *Security Fees Policy*, Defendants treat similarly situated RSOs differently.

235. Upon information and belief, Defendants have permitted other RSOs to host events on campus that Young Americans for Freedom finds controversial, but have not assessed security fees on those RSOs for hosting such events.

236. On October 16, 2017, a group of KSU students held a Black Lives Matter protest that encompassed the entirety of the Campus Green, one of the main quadrangles on KSU's campus.

237. Upon information and belief, the group of KSU students that organized the Black Lives Matter protest was not an RSO at KSU.

238. During that protest, Mr. Bohannon spoke with the purported leader of the protest, asking what the group had been required to do in order to reserve the entire Campus Green for this protest.

239. This protest leader replied that the group just had to show up because KSU officials had handled all details regarding the space and security. The University mascot even appeared in support of the protest.

240. Upon information and belief, KSU officials had not charged the group any security fees associated with this event, nor asked it to discuss any security concerns.

241. As other campuses and communities can attest, the participants in many Black Lives Matter protests have engaged in wanton violence and vandalism during such protests.

242. Even so, KSU officials chose not to charge this group of KSU students any security fees related to the Black Lives Matter protest. Thus, they did not find the views being expressed at that protest “controversial.”

B. DEFENDANTS’ ENFORCEMENT OF THEIR UNCONSTITUTIONAL *RSO CLASSIFICATION POLICY*

243. In the fall of 2017, Young Americans for Freedom became an RSO at KSU.

244. When it was founded, Defendants classified Young Americans for Freedom as a recognized RSO.

245. On November 17, 2017, Young Americans for Freedom submitted its Petition to Change RSO Classification to the Department of Student Activities. A true, accurate, and complete copy of this petition is attached to this Complaint as Exhibit 4.

246. In this petition, Young Americans for Freedom requested that it be promoted to affiliated status. Ex. 4 at 8.

247. On December 1, 2017, Defendants informed Young Americans for Freedom that its petition had been denied. A true, accurate, and complete copy of the e-mail conveying this denial is attached to this Complaint as Exhibit 5.

248. Defendants explained that they denied Young Americans for Freedom's petition because "the organization has not been continuously active for a full year." Ex. 5 at 1.

249. As the Director of Student Activities, Defendant Bonza made the decision to deny Young Americans for Freedom's petition.

250. On December 4, 2017, Young Americans for Freedom appealed Defendant Bonza's decision to deny its petition. A true, accurate, and complete copy of Young Americans for Freedom's RSO Classification Appeal is attached to this Complaint as Exhibit 6.

251. On December 14, 2017, Defendant Lunk denied Young Americans for Freedom's appeal because "this organization has not been actively [sic] for a consecutive year since re-registering." Ex. 6 at 1. A true, accurate, and complete copy of the e-mail Defendants sent conveying this message is attached as Exhibit 7 to this Complaint.

252. On the morning of February 1, 2018, Young Americans for Freedom submitted a request for student activity fee funding to help defray the expenses associated with bringing Ms. Pavlich to campus for the March 7, 2018 event. A true, accurate, and complete copy of the e-mail Young Americans for Freedom received confirming that Defendants received its funding request is attached to this Complaint as Exhibit 8.

253. That afternoon, Defendants informed Young Americans for Freedom that its funding request "has been denied." A true, accurate, and complete copy of the e-mail Young Americans for Freedom received conveying this denial is

attached to this Complaint as Exhibit 9.

254. Upon information and belief, Defendant Lunk made the decision to deny Young Americans for Freedom's funding request.

255. Defendants explained that "SABAC will not hear this request as Young Americans for Freedom is classified as recognized, which does not allow your organization to request funding from SABAC." Ex. 9 at 1.

256. In making all of these decisions regarding Young Americans for Freedom, Defendants enforced and applied their *RSO Classification Policy*.

257. Defendants' *RSO Classification Policy* and their enforcement of it burdens Plaintiffs' speech for multiple reasons.

258. First, Defendants' *RSO Classification Policy* and their enforcement of it gives Young Americans for Freedom less access to campus resources and funding than other RSOs.

259. Due to Defendants' actions enforcing their *RSO Classification Policy*, Young Americans for Freedom has a lower priority for reservations than all chartered, sponsored, and affiliated organizations, even if Young Americans for Freedom submits a reservation request first.

260. Due to Defendants' actions enforcing their *RSO Classification Policy*, Young Americans for Freedom has no access to student activity fee funding.

261. Second, Defendants' *RSO Classification Policy* and their enforcement of it subjects Young Americans for Freedom and all other RSOs at KSU to a yearly, extensive, invasive, and inherently subjective review, giving KSU officials unbridled discretion to determine each RSO's standing on campus and

access to campus resources and funding and to determine how much information each RSO must provide KSU officials in this process.

262. Defendants' *RSO Classification Policy* and their enforcement of it conditions an RSO's receipt of campus resources and funding on its willingness to surrender its constitutionally-protected freedom of association.

263. Young Americans for Freedom limits membership in its organization to KSU students "who support the general principles of the Sharon Statement," which outlines conservative positions on issues of constitutional government, political freedom, and economic and foreign policy. A true, accurate, complete copy of Young Americans for Freedom's constitution, which includes its membership policies and the Sharon Statement, is attached to this Complaint as Exhibit 10.

264. As such, students who do not subscribe to these conservative philosophical and economic principles would not be eligible for membership in Young Americans for Freedom because they would impede the group's ability to communicate a unified, coherent message to the campus community.

265. Young Americans for Freedom fears that when it applies again for classification in a higher tier of RSOs, Defendants will declare it a "restrictive membership" RSO because it exercises its right of expressive association and will thus refuse to classify it as anything higher than recognized.

266. Defendants' *RSO Classification Policy* and their enforcement of it requires KSU to consider a variety of content- and viewpoint-based factors.

267. Third, in applying their *RSO Classification Policy*, Defendants treat

similarly situated RSOs dramatically different.

268. Currently, Defendants classify the following RSO as chartered: LGBTQ Student Programs.

269. Currently, Defendants classify the following RSOs as sponsored: Kennesaw Pride Alliance; the KSU chapter of the NAACP; and the Society for Global Diplomacy.

270. Currently, Defendants classify the following RSOs as affiliated: Atheists, Humanists, and Agnostics at KSU.

271. All of these organizations advocate social, cultural, moral, political, and religious views that could be described as left-wing, progressive, or liberal.

272. Upon information and belief, as chartered and sponsored RSOs, all of these organizations receive student activity fee funding from SABAC.

273. Each of these organizations regularly engages in and promotes speech that advocates for and encourages beliefs, viewpoints, and causes with which Plaintiffs disagree and which Plaintiffs often find offensive.

274. Defendants classify Young Americans for Freedom as a recognized RSO.

275. Young Americans for Freedom advocates social, cultural, moral, philosophical, and religious views (often on the same issues that the organizations listed above highlight) that could be described as traditional or conservative.

276. Young Americans for Freedom and these other organizations address topics like human sexuality, the role of government in society, issues of domestic and international policy, the relationship between the citizen and the state,

race relations, and issues related to United States history, though from decidedly different viewpoints.

277. Defendants do not classify any RSOs expressing conservative viewpoints above recognized, but they classify many RSOs that address comparable (if not identical) issues from a liberal or progressive viewpoint as affiliated, sponsored, or chartered.

STATEMENTS OF LAW

278. At all times relevant to this Complaint, each and all of the acts and policies alleged herein were attributed to the Defendants who acted under color of a statute, regulation, custom, or usage of the State of Georgia (*i.e.*, under color of state law and authority).

279. Defendants knew or should have known that that they were violating the constitutional rights of all RSOs, including Young Americans for Freedom by:

- Assessing a security fee because Defendants classified Ms. Pavlich’s lecture as “controversial”;
- Granting KSU officials unbridled discretion to decide whether and how much to charge RSOs for security assistance in connection with a specific expressive activity;
- Conditioning an RSO’s access to campus resources and student activity fee funding on a classification process where KSU officials have unbridled discretion;
- Conditioning an RSO’s access to campus resources and student activity fee funding on a classification process where KSU officials

are required to consider multiple content- and viewpoint-based factors; and

- Conditioning an RSO's access to campus resources and student activity fee funding on its willingness to surrender certain constitutional rights.

280. Defendants knew or should have known that by conditioning an RSO's access to student activity fee funding on a classification process where KSU officials have unbridled discretion and must consider a variety of viewpoint-based factors, Defendants are violating the constitutional rights of all KSU students (including Mr. Bohannon and each student member of Young Americans for Freedom) and of all RSOs (including Young Americans for Freedom).

281. The policies and practices that led to the violation of Plaintiffs' constitutional rights remain in full force and effect.

282. Plaintiffs are suffering irreparable harm from Defendants' *Security Fees Policy* and *RSO Classification Policy*.

283. Plaintiffs have no adequate or speedy remedy at law to correct or redress the deprivation of their rights by Defendants.

284. Defendants' actions and policies, as set forth above, do not serve any legitimate or compelling state interest.

285. Defendants have deprived, and continue to deprive, Plaintiffs of their clearly established rights under the United States Constitution, as set forth in the causes of action below.

286. Unless the policies and conduct of Defendants are enjoined, Plaintiffs

will continue to suffer irreparable injury.

287. Under 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to appropriate relief invalidating Defendants' challenged policies and related conduct.

**FIRST CAUSE OF ACTION
Violation of Plaintiffs' First Amendment Right
To Freedom of Speech
(42 U.S.C. § 1983)**

288. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint.

289. Speech is entitled to comprehensive protection under the First Amendment.

290. Religious and political speech are fully protected by the First Amendment.

291. The First Amendment rights of free speech and expression extend to campuses of state universities.

292. The sidewalks and open spaces of KSU's campus are designated public fora—if not traditional public fora—for speech and expressive activities by students enrolled at KSU.

293. A public university's ability to restrict speech—particularly student speech—in a public forum is limited.

294. The First Amendment's Free Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits content and viewpoint discrimination in the public fora for student speech and expression on the campus of a public university.

295. The First Amendment's Free Speech Clause also prohibits viewpoint

discrimination in any forum for expression.

296. The First Amendment's prohibition against content and viewpoint discrimination requires Defendants to provide adequate safeguards to protect against the improper exclusion or restriction of student speech based on its content or viewpoint.

297. The Free Speech Clause of the First Amendment protects speech that is controversial, provocative, challenging, or offensive.

298. The First Amendment prohibits the government from restricting speech because it might offend, disturb, or discomfort the sensibilities of listeners or because listeners or government officials find it controversial, offensive, disturbing or discomforting. Any governmental attempts to do so are inherently content and/or viewpoint based, regardless of the government's motives for such restrictions.

299. The First Amendment prohibits the government from charging a speaker security fees based on the content or viewpoint of his speech, which includes how others might respond to that speech.

300. The First Amendment's Free Speech Clause prohibits censorship on the basis of viewpoint.

301. The government may not regulate speech based on policies that permit arbitrary, discriminatory, or overzealous enforcement or that grant officials unbridled discretion to discriminate against speech based on its content or viewpoint.

302. Unbridled discretion to discriminate against speech based on its

content or viewpoint violates the First Amendment regardless of whether that discretion has ever been unconstitutionally applied in practice.

303. The government may not regulate speech based on overbroad policies that encompass a substantial amount of constitutionally protected speech.

304. The First Amendment's Free Speech Clause also prohibits public universities from collecting a mandatory student activity fee that is used to fund student organization speech if the funds from those fees are not allocated in a viewpoint-neutral fashion.

305. When a public university collects mandatory student activity fees and allows student organizations to apply for funding from those fees or otherwise makes those funds available to student organizations to foster a diversity of viewpoints, it creates a public forum for student speech and expression.

306. Public university officials do not engage in government speech or their own speech when allocating mandatory student activity fees or when determining which student organizations are eligible for those fees.

307. The government is not speaking when it allows student organizations promoting a multiplicity of views to apply for funding. Instead, it creates a public forum for student speech and expression.

308. The funds a public university collects through a mandatory student activity fee and uses to fund student organizations do not constitute government funds.

309. A public university may not apply viewpoint-based standards in allocating mandatory student activity fee funding or in determining which student

organizations are eligible for that funding.

310. If a public university allocates funds collected through a mandatory student activity fee in a viewpoint-based manner, then it violates the constitutional rights of all its students forced to pay those fees and of student organizations that are deprived funding.

311. Defendants' *Security Fees Policy* runs afoul of these clearly established constitutional principles causing it to violate the First Amendment facially and as-applied.

312. Defendants' *Security Fees Policy* requires officials to evaluate the content and viewpoint of the expression in which students desire to engage on campus when deciding whether and how much to charge in fees for security assistance.

313. Defendants' *Security Fees Policy* thereby create a heckler's veto, allowing any student or administrator to restrict a speaker and impose a security fee simply by complaining (in the case of students) or declaring (in the case of administrators) that the speaker's message is "controversial."

314. Defendants engaged in content and viewpoint discrimination when they applied their *Security Fees Policy* to require Young Americans for Freedom to pay a security fee for Ms. Pavlich's upcoming lecture that it is sponsoring.

315. Second, Defendants' *Security Fees Policy* confers unbridled discretion upon KSU officials to discriminate against student speech based on its content or viewpoint.

316. These grants of unbridled discretion to KSU officials violate the First

Amendment because they create a system in which speech is reviewed without any standards, thus giving students no way to prove that the imposition of a security fee for their expressive activities was based on unconstitutional considerations.

317. Third, Defendants' *Security Fees Policy* is unconstitutionally overbroad because it restricts a significant amount of constitutionally protected speech, in part because these fees can be imposed on any expressive activities an RSO chooses to conduct.

318. Defendants' *Security Fees Policy* unconstitutionally burdens all private speech that KSU officials find offensive.

319. Defendants' *RSO Classification Policy* runs afoul of these clearly established constitutional principles in a number of ways, causing it to violate the First Amendment facially and as-applied.

320. First, Defendants' *RSO Classification Policy* requires officials to evaluate the content and viewpoint of an RSO's expression when classifying the organization and thereby determining the level of access to campus resources and student activity fee funding it receives.

321. Defendants engaged in viewpoint and content discrimination when they twice refused to grant Young Americans for Freedom status as an affiliated RSO, thereby denying it access to student activity fee funding.

322. Second, Defendants' *RSO Classification Policy* grants KSU officials unbridled discretion when classifying an RSO and thereby determining the level of access to campus resources and student activity fee funding it receives.

323. These grants of unbridled discretion to KSU officials violate the First Amendment because they create a system in which RSOs are reviewed without any standards, thus giving RSOs no way to prove that a classification decision was based on unconstitutional considerations.

324. Because Defendants have failed to establish neutral, objective, and comprehensive standards governing each of the criteria listed above, there is a substantial risk that KSU officials will engage in content and viewpoint discrimination when classifying RSOs and determining the level of access to campus resources and student activity fee funding they will receive.

325. Defendants exercised the unbridled discretion granted them under their *RSO Classification Policy* when they twice refused to grant Young Americans for Freedom status as an affiliated RSO.

326. Third, Defendants' *RSO Classification Policy* denies student activity fee funding to certain RSOs and grants other RSOs less access to that funding than others based on a series of viewpoint-based considerations.

327. Through their mandatory student activity fees, Defendants created a public forum for student speech.

328. Defendants *RSO Classification Policy* requires KSU officials to classify RSOs into four tiers using factors that are either explicitly viewpoint-based or that are effectively viewpoint-based because they grant those officials unbridled discretion.

329. Defendants engaged in viewpoint discrimination when they twice denied Young Americans for Freedom's request to be classified as affiliated,

thereby denying Young Americans for Freedom access to the student activity fee forum Defendants created.

330. Defendants engaged in viewpoint discrimination when they denied Young Americans for Freedom's request for student activity fee funding to help defray the costs of bringing Ms. Pavlich to speak on campus.

331. Through their *RSO Classification Policy*, Defendants compel Mr. Bohannon, every student member of Young Americans for Freedom, and all KSU students to pay a mandatory student activity fee that is used in part to fund student organization speech pursuant to a policy which is not viewpoint-neutral.

332. Defendants' *RSO Classification Policy* compels Mr. Bohannon and every student member of Young Americans for Freedom to fund and support speech and viewpoints with which they disagree and which they find offensive and objectionable.

333. Defendants' *Security Fees Policy* and *RSO Classification Policy* do not satisfy strict scrutiny because they support no compelling government interest and they are not narrowly tailored to meet any such concerns.

334. Defendants' *Security Fees Policy* and *RSO Classification Policy* violate Plaintiffs' right to free speech as guaranteed by the First Amendment to the United States Constitution.

335. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. They are entitled to an award of nominal and compensatory damages and equitable relief.

336. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a

declaration that Defendants violated their freedom of speech facially and as-applied, and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

SECOND CAUSE OF ACTION
Violation of Plaintiffs' First Amendment Right
To Freedom of Expressive Association
(42 U.S.C. § 1983)

337. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint.

338. The First Amendment protects the right of all citizens to associate freely with people of their choice without interference from the Government.

339. The First Amendment protects equally the choice to associate and the choice to not associate with people.

340. The First Amendment recognizes that forcing a group of citizens to accept as a member someone who opposes the mission and message of that group undercuts the group's ability to express its chosen message.

341. Defendants' *RSO Classification Policy* violates the right to free association of all students and RSOs (including Mr. Bohannon and Young Americans for Freedom) and is inherently subjective and content and viewpoint-based by requiring RSOs to accept as members individuals who oppose the values and principles of the RSO in order to be classified as anything higher than recognized and by penalizing groups who do not have what Defendants define as "open membership," restricting their access to campus resources, public

fora, and student activity fee funding.

342. Defendants' *RSO Classification Policy* and associated practices violate Plaintiffs' right to expressive association as guaranteed by the First Amendment to the United States Constitution.

343. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, economic injury and irreparable harm. Plaintiffs are entitled to an award of nominal damages, compensatory damages, and equitable relief.

344. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a declaration that Defendants violated their freedom of speech and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**THIRD CAUSE OF ACTION
Violation of Plaintiffs' Right to Freedom of Speech
Compelled Speech
(42 U.S.C. § 1983)**

345. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint, as if set forth fully herein.

346. The First Amendment's Free Speech Clause prohibits the government from compelling citizens to express or support a message not of their own choosing.

347. The First Amendment's Free Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits public universities from compelling students to express

or support messages not of their own choosing.

348. Thus, the First Amendment prohibits public universities from collecting a mandatory student activity fee that is used to fund student organization speech if the funds collected through that mandatory fee are not allocated in a viewpoint-neutral manner.

349. When public universities allocate mandatory student activity fees to student organizations or determine which organizations are eligible to receive this funding in a viewpoint-based fashion, they violate the First Amendment rights of all students compelled to pay those fees.

350. The funds that a public university collects through mandatory student activity fees and uses to fund student organizations do not constitute government funds.

351. Defendants' *RSO Classification Policy* requires KSU officials to classify RSOs into four tiers using factors that are either explicitly viewpoint-based or that are effectively viewpoint-based because they grant those officials unbridled discretion.

352. Defendants engaged in viewpoint discrimination when they twice denied Young Americans for Freedom's request to be classified as affiliated (and thus eligible for student activity fee funding).

353. Defendants engaged in viewpoint discrimination when they denied Young Americans for Freedom's request for student activity fee funding to help defray the costs of bringing a speaker to campus.

354. Through their *RSO Classification Policy*, Defendants compel Mr.

Bohannon, every student member of Young Americans for Freedom, and all KSU students to pay a mandatory student activity fee that is used in part to fund student organization speech pursuant to a policy which is not viewpoint-neutral.

355. Defendants therefore unconstitutionally have compelled and continue to compel all KSU students, including Mr. Bohannon and every student member of Young Americans for Freedom, to support views they find offensive and objectionable when they have collected and continue to collect the mandatory student activity fees.

356. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. They are entitled to an award of nominal and compensatory damages and equitable relief.

357. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a declaration that Defendants violated their freedom of speech and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**FOURTH CAUSE OF ACTION
Violation of Plaintiffs' Right to be Free from
Unconstitutional Conditions
(42 U.S.C. § 1983)**

358. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint, as if set forth fully herein.

359. The United States Constitution prohibits the government from placing

a condition on the receipt of a benefit that infringes upon the recipient's constitutional rights, even if the government has no obligation to provide that benefit in the first place.

360. The United States Constitution also prohibits the government from conditioning the exercise of certain constitutional rights on a citizen's agreement to surrender other constitutional rights.

361. Defendants' *Security Fees Policy* imposes an unconstitutional condition upon both a student's right to speak freely in the public fora on campus and his receipt of state benefits (*i.e.*, access to the public fora on campus).

362. Defendants' *Security Fees Policy* requires RSOs to pay any security fee KSU officials choose to impose on its expressive activities in order to be allowed to conduct those expressive activities.

363. Using their *Security Fees Policy*, Defendants imposed an unconstitutional condition on Young Americans for Freedom when they imposed a security fee on its upcoming event with Ms. Pavlich after they classified the event as "controversial."

364. Defendants' *RSO Classification Policy* imposes an unconstitutional condition upon an RSO's right to access campus resources and reserve public fora generally available to RSO and its receipt of state benefits (*i.e.*, access to campus resources and student activity fee funding).

365. Defendants' *RSO Classification Policy* requires an RSO to surrender its constitutionally-protected right to expressive association to obtain affiliated status and the accompanying eligibility for student activity fee funding.

366. An RSO's First Amendment right of expressive association includes the freedom not to associate with (or accept as members) individuals who undermine the RSO's mission and message.

367. Defendants' *RSO Classification Policy* conditions affiliated status (and the accompanying eligibility for student activity fee funding) on an RSO's willingness to adopt an "open membership" policy and allow anyone, even those opposed to its message, to become members.

368. Young Americans for Freedom fears that Defendants will apply this provision of their *RSO Classification Policy* to reject its requests for affiliated status when it applies again for that status.

369. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. They are entitled to an award of nominal and compensatory damages and equitable relief.

370. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a declaration that Defendants violated their freedom of speech and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**FIFTH CAUSE OF ACTION
Violation of Plaintiffs' Fourteenth Amendment Right to
Due Process of Law
(42 U.S.C. § 1983)**

371. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint, as if set forth fully herein.

372. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs the right to due process of law and prohibits Defendants from promulgating and employing vague and overbroad standards that allow for viewpoint discrimination in Defendants' handling of Plaintiffs' speech.

373. The government may not regulate speech based on policies that permit arbitrary, discriminatory, and overzealous enforcement.

374. The government may not regulate speech based on policies that cause persons of common intelligence to guess at their meaning and differ as to their application.

375. The government may not regulate speech in ways that provide unbridled discretion to prohibit or restrict speech.

376. The government also may not regulate speech in ways that do not provide persons of common intelligence fair warning as to what speech is permitted and what speech is prohibited.

377. Defendants' *Security Fees Policy* contains no objective criteria to guide administrators when determining whether to assess a security fee for a specific expressive activity or when determining how much to charge in these fees. Thus, this policy gives officials unbridled discretion.

378. Defendants enforced their vague *Security Fees Policy*, using the unbridled discretion it confers upon them, when they imposed a security fee on Young Americans for Freedom upcoming event featuring Ms. Pavlich after they classified the event as "controversial."

379. Defendants' *RSO Classification Policy* is also vague because it utilizes

terms (e.g., “strong connection to the KSU mission,” “scope that serves all university students,” and “classification is a holistic process that encompasses many factors”) that are inherently subjective and elude any precise definition that would be consistent from one official (or RSO) to another when those officials classify an RSO and thus determine the level of access to campus resources and student activity fee funding it should receive. Thus, they give these officials unbridled discretion.

380. Defendants exercised the unbridled discretion granted them under their *RSO Classification Policy* when they twice refused to grant Young Americans for Freedom status as an affiliated RSO.

381. Defendants’ *Security Fees Policy* and *RSO Classification Policy* are impermissibly vague and ambiguous. Thus, they are incapable of providing meaningful guidance to Defendants and other KSU officials, and they force students to guess as to whether expression that the First Amendment protects is in fact allowed on campus.

382. The lack of criteria, factors, or standards in Defendants’ *Security Fees Policy* and *RSO Classification Policy* renders these policies and practices unconstitutionally vague and in violation of Plaintiffs’ right to due process of law under the Fourteenth Amendment.

383. Because of Defendants’ actions, Plaintiffs have suffered, and continue to suffer irreparable harm. They are entitled to an award of nominal and compensatory damages and equitable relief.

384. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a

declaration that Defendants violated their Fourteenth Amendment right to due process of law and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

SIXTH CAUSE OF ACTION
Violation of Plaintiffs' Fourteenth Amendment Right to
Equal Protection Under the Law
(42 U.S.C. § 1983)

385. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–287 of this Complaint, as if set forth fully herein.

386. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs the right to equal protection under the law and prohibits Defendants from promulgating and employing standards that permit disparate treatment of similarly situated individuals.

387. The government may not treat someone disparately as compared to similarly situated persons when such disparate treatment burdens a fundamental right, targets a suspect class, or has no rational basis.

388. Young Americans for Freedom is similarly situated to other RSOs at KSU, and it is at least similarly situated (if not better situated) to groups of KSU students that are not RSOs.

389. In applying their *Security Fees Policy*, Defendants have allowed other RSOs and other groups of students to express viewpoints that many find controversial without charging a security fee but they have forced Young Americans for Freedom to pay a security fee for their event with Ms. Pavlich.

390. In applying their *RSO Classification Policy*, Defendants have classified RSOs that promote left-wing views on certain social, cultural, moral, political, and religious issues as sponsored or chartered, but they have refused to classify Young Americans for Freedom similar status, though these groups discuss the same issues, albeit from a different viewpoint.

391. In applying their *RSO Classification Policy*, Defendants have classified many RSOs that advance liberal or progressive viewpoints as sponsored or chartered, but they have refused to classify groups that advance conservative viewpoints as anything higher than recognized.

392. When government regulations, like Defendants' *Security Fees Policy* and *RSO Classification Policy*, infringe on fundamental rights, discriminatory intent is presumed.

393. Defendants' *Security Fees Policy* and *RSO Classification Policy* have also been applied to discriminate intentionally against Plaintiffs' rights to freedom of speech, right to be free from compelled speech, and right to be free from unconstitutional conditions.

394. Defendants' *Security Fees Policy* and *RSO Classification Policy* are underinclusive, restricting some speech while leaving other speech equally harmful to the University's asserted interests unrestricted.

395. Defendants lack a rational or compelling state interest for such disparate treatment of Plaintiffs.

396. Defendants' *Security Fees Policy* and *RSO Classification Policy* are not narrowly tailored as applied to Plaintiffs because Plaintiffs' speech does

not implicate any of the legitimate interests Defendants might have.

397. Defendants applied their *Security Fees Policy* to Young Americans for Freedom in a discriminatory and unequal manner, allowing some RSOs to speak freely on controversial issues without requiring them to pay a security fee when Defendants say that Young Americans for Freedom must pay a fee for its event, in violation of Young Americans for Freedom's right to equal protection of the laws under the Fourteenth Amendment.

398. Defendants applied their *RSO Classification Policy* to Young Americans for Freedom in a discriminatory and unequal manner, granting some RSOs chartered and sponsored status while denying it even affiliated status (even though it addresses the same issues as those other RSOs), in violation of Young Americans for Freedom's right to equal protection of the laws under the Fourteenth Amendment.

399. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. They are entitled to an award of nominal and compensatory damages and equitable relief.

400. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a declaration that Defendants violated their Fourteenth Amendment right to equal protection of the law and an injunction against Defendants' policies and actions. Additionally, Plaintiffs are entitled to nominal and compensatory damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants and provide Plaintiffs with the following relief:

- A. A declaratory judgment that Defendants' *Security Fees Policy*, *RSO Classification Policy*, and associated practices facially and as-applied violate Plaintiffs' rights under the First Amendment;
- B. A declaratory judgment that Defendants' *Security Fees Policy*, *RSO Classification Policy*, and associated practices facially and as-applied violate Plaintiffs' rights under the Fourteenth Amendment;
- C. A preliminary and permanent injunction prohibiting Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf from enforcing their *Security Fees Policy* and *RSO Classification Policy*;
- D. Compensatory and nominal damages for the violation of Plaintiffs' First and Fourteenth Amendment rights from the Defendants sued in their individual capacities;
- E. Plaintiffs' reasonable attorneys' fees, costs, and other costs and disbursements in this action pursuant to 42 U.S.C. § 1988; and
- F. All other further relief to which Plaintiffs may be entitled.

Respectfully submitted this the 5th day of March, 2018.

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* Application for admission *pro hac vice* to be submitted.

Attorneys for Plaintiffs

DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury for all issues so triable herein.

/s/ Travis C. Barham

TRAVIS C. BARHAM
Attorney for Plaintiffs

DECLARATION UNDER PENALTY OF PERJURY

I, ZACHARY BOHANNON, a citizen of the United States and a resident of the State of Georgia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing, that the foregoing is true and correct to the best of my knowledge (except as to statements made on information and belief, and those I believe to be true and correct), and that the foregoing statements that pertain to me are based on my personal knowledge.

Executed this 2 day of March, 2018, at Kennesaw, Georgia.



ZACHARY BOHANNON

DECLARATION UNDER PENALTY OF PERJURY

I, ZACHARY BOHANNON, Co-Chairman of Young Americans for Freedom of KSU, a citizen of the United States, and a resident of the State of Georgia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing, that the foregoing is true and correct to the best of my knowledge (except as to statements made on information and belief, and those I believe to be true and correct), and that the foregoing statements that pertain to me are based on my personal knowledge.

Executed this 2 day of March, 2018, at Kennesaw, Georgia.



ZACHARY BOHANNON
Co-Chairman
Young Americans for Freedom of KSU

DECLARATION UNDER PENALTY OF PERJURY

I, JAIMESON HAHN, a citizen of the United States and a resident of the State of Georgia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing, that the foregoing is true and correct to the best of my knowledge (except as to statements made on information and belief, and those I believe to be true and correct), and that the foregoing statements that pertain to me are based on my personal knowledge.

Executed this ____ day of March, 2018, at Kennesaw, Georgia.



JAIMESON HAHN

DECLARATION UNDER PENALTY OF PERJURY

I, JAIMESON HAHN, Co-Chairman of Young Americans for Freedom of KSU, a citizen of the United States, and a resident of the State of Georgia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing, that the foregoing is true and correct to the best of my knowledge (except as to statements made on information and belief, and those I believe to be true and correct), and that the foregoing statements that pertain to me are based on my personal knowledge.

Executed this ____ day of March, 2018, at Kennesaw, Georgia.



JAIMESON HAHN
Co-Chairman
Young Americans for Freedom of KSU