

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

VOICES UNITED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:17-cv-00693
	)	
CARMEL CLAY SCHOOLS;	)	
PRINCIPAL, CARMEL HIGH SCHOOL,	)	
in his official capacity,	)	
	)	
Defendants.	)	

**Complaint for Declaratory and Injunctive Relief**

**Introduction**

1. Voices United is a student group at Carmel High School that wishes to post a sign expressing support for abortion rights. Another student group, Teens for Life, was recently permitted to post an anti-abortion message for 10 school days as an exception to the High School’s general policy of prohibiting student groups from posting advocacy signs in cafeterias and classrooms at the school. The High School has refused to extend a similar opportunity to post advocacy signs to Voices United, and in doing so has engaged in viewpoint discrimination in violation of the First Amendment of the United States Constitution. Voices United brings this action for declaratory and injunctive relief so that it may be permitted to engage in speech in the same manner as Teens for Life at Carmel High School.

**Jurisdiction, Venue, Cause of Action**

- 2. This Court has jurisdiction of this case pursuant to 28 U.S.C. §§ 1331 and 1343.
- 3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

4. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.
5. The cause of action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

**Parties**

6. Carmel Clay Schools is the public school corporation that operates several public schools in Carmel, Indiana, including Carmel High School.
7. The Principal of Carmel High School is the head administrator of Carmel High School, and is, among other things, ultimately responsible for implementing Carmel Clay Schools' policies at the High School.
8. Voices United is a student interest club at Carmel High School.

**Facts**

*Teens for Life*

9. Carmel High School allows students to form student interest clubs, which are formally recognized student groups that are permitted to meet and conduct activities on school grounds. To form a student interest group, students must obtain a faculty advisor, submit a form, and reapply every year to remain active.
10. The High School currently has well over a hundred active clubs with a diverse range of interests.
11. In November of 2016 one student interest group, Teens for Life, hung a banner in the High School cafeteria with a message that was critical of abortion practices.

12. At the time, club signage was subject to restrictions on size and placement, and required approval by High School administrators. *See* Carmel High School, Old Sign Policy, attached as Exhibit 1.
13. Several students who found the banner offensive complained to school administrators and the administrators took down the banner.
14. School officials claimed that the banner was removed not because of its message but because student clubs were only permitted to post signs that state time, date, and place of meetings, not messages on issues.
15. Teens for Life obtained legal counsel, who in December 2016 sent a letter to Carmel Clay Schools threatening legal action if the school did not permit Teens for Life to repost its banner in the cafeteria.
16. Carmel Clay Schools stated that student interest clubs were not permitted to post advocacy signs but to avoid litigation it would permit Carmel High School's Teens for Life club to re-post its banner in the school cafeteria for a period of 10 school days. *See* Carmel Clay Schools, Press Release, Feb. 17, 2017, attached as Exhibit 2.
17. Around the same time, the High School issued a document clarifying its sign policy, including its content restriction, limiting signs to announcing the date, time, and location of club meetings. *See* Carmel High School, Student Interest Club Signage Rules, attached as Exhibit 3.
18. On February 24, 2017, the previously-removed Teens for Life banner was re-posted in the Carmel High School's main cafeteria. The banner remains posted, and it will be permitted through March 9, 2017.

*Voices United*

19. Voices United is an active student interest club that assists students in advocating for issues that they care about. Voices United, for example, connects students with the relevant school and public officials to enact the change the students seek, and provides forums for them to speak.
20. After Carmel Clay Schools announced that it would permit Teens for Life to post its banner for 10 days, Voices United sought permission from the High School to post a sign with an abortion rights message in the school's main cafeteria for 10 school days. The sign would be the same size or smaller than the banner posted by Teens for Life.
21. Voices United sought to post the banner at the request of one of its members, and as part of its mission to assist students in advocating for their causes.
22. Voices United met multiple times with school administrators, but the High School refused to allow the sign, claiming that such a sign would violate the new student club sign policy, that Teens for Life had been granted an exception to the new policy, and that the exception would not be extended to Voices United.
23. Voices United continues to want to post the proposed abortion rights poster in the High School's main cafeteria for 10 school days.
24. At all times, the defendants have acted under color of state law.
25. Additionally, Voices United is being caused irreparable harm for which there is no adequate remedy at law.

**Legal Claims**

26. The defendants' refusal to allow Voices United to post signs in the same manner as Teens for Life is viewpoint discrimination that violates the First Amendment of the United States Constitution.

**Request for relief**

**WHEREFORE**, Voices United requests that this Court:

1. Accept jurisdiction of this case and set it for a hearing at the earliest opportunity.
2. Declare that the defendants' application of the sign policy to Voices United violates the United States Constitution.
3. Enter a preliminary injunction, later to be made permanent, ordering the defendants to allow Voices United to post an advocacy sign in the Carmel High School's main cafeteria for a period of 10 school days.
4. Award plaintiff its costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
5. Award all other proper relief.

*/s/ Jan P. Mensz* \_\_\_\_\_  
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