

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

JURY TRIAL DEMANDED

**RATIO CHRISTI AT THE UNIVERSITY OF COLORADO, COLORADO SPRINGS,
BRIAN BLEVINS,
KAYLA CALLENDER,
JOSHUA STOLL, and
EMILY DANIS,**

Plaintiffs,

v.

SUE SHARKEY, Member of the Regents of the University of Colorado, in her official and individual capacities;

JOHN KROLL, Member of the Regents of the University of Colorado, in her official and individual capacities;

JOHN CARSON, Member of the Regents of the University of Colorado, in her official and individual capacities;

GLEN GALLEGOS, Member of the Regents of the University of Colorado, in her official and individual capacities;

HEIDI GANAHL, Member of the Regents of the University of Colorado, in her official and individual capacities;

IRENE GRIEGO, Member of the Regents of the University of Colorado, in her official and individual capacities;

KYLE HYBL, Member of the Regents of the University of Colorado, in her official and individual capacities;

STEPHEN LUDWIG, Member of the Regents of the University of Colorado, in her official and individual capacities;

LINDA SHOEMAKER, Member of the Regents of the University of Colorado, in her official and individual capacities;

BRUCE D. BENSON, President of the University of Colorado, in his official and individual capacities;

VENKAT REDDY, Chancellor of the University of Colorado, Colorado Springs, in his official and individual capacities;

SENTWALI BAKARI, Vice Chancellor for Student Success at the University of Colorado, Colorado Springs, in his official and individual capacities;

BRAD BAYER, Senior Executive Director of Student Life & Leadership and Assessment at the University of Colorado, Colorado Springs, in his official and individual capacities;

SABRINA WIENHOLTZ, Director of Student Clubs, Organizations, and Leadership at the University of Colorado, Colorado Springs, in her official and individual capacities;

KRYSTAL SCHIFFELBEIN, Coordinator of Student Clubs, Organizations, and Leadership Programming at the University of Colorado, Colorado Springs, in her official and individual capacities,

Defendants.

PLAINTIFFS' VERIFIED COMPLAINT

Plaintiffs Ratio Christi at the University of Colorado, Colorado Springs, Brian Blevins, Joshua Stoll, Kayla Callender, and Emily Danis, by and through counsel, and for their Verified Complaint against Defendants, hereby state as follows:

INTRODUCTION

1. The hallmark of higher education is that all viewpoints can compete in the “marketplace of ideas.” To facilitate this, students gather with others of like mind to advance shared viewpoints, and universities grant these student organizations registered status, which makes these organizations full-fledged members of the campus community and eligible to access various campus resources.

2. Seeking to participate in this “marketplace of ideas,” Plaintiffs sought to form a Christian apologetics organization, Ratio Christi. As this student organization seeks to advance, teach, and defend Christian beliefs, it requires that its officers must share and personally hold those Christian beliefs. And it requires that its members, those who influence its overall direction, generally support its mission.

3. The First Amendment dictates that the “marketplace of ideas” on a public university cannot prefer some viewpoints and cannot exile or denigrate others. It also dictates that the government cannot force a religious organization to appoint as a leader someone who does not share that organization’s beliefs or to accept as a member someone who does not support its mission. Nor can the government force citizens to choose between exercising their constitutional rights on the one hand and participating in government-run programs on the other.

4. In direct violation of these principles, the University of Colorado, Colorado Springs (“University” or “UCCS”)—applying both its own policies and those of the University of Colorado Board of Regents—has refused to register Ratio Christi. It has refused to do so specifically because this religious organization seeks to ensure that its leaders share its beliefs and that its members support its mission, even though other student organizations do the same. It has enforced these policies to deny registered status to Ratio Christi even though it has granted registered status to other student organizations that include and enforce similar requirements, thereby favoring some viewpoints over others. It has promised to register Ratio Christi only if the group changes its leadership and membership criteria. That is, Plaintiffs must agree to abandon their rights to free speech, free association, free exercise of religion, freedom from unconstitutional conditions, due process, and equal protection to access campus resources available to all other student organizations.

5. The First Amendment also prohibits public universities from collecting mandatory student activity fees, which are used to fund student expression, if those fees are not allocated in a viewpoint neutral way lest universities unconstitutionally compel students to subsidize the speech of third parties.

6. In direct violation of these principles, Defendants have erected a series of hurdles student organizations must clear to access student activity fee funding. Some of these are explicitly viewpoint-based while others are implicitly so, as they grant University officials unbridled discretion. They have applied both to Plaintiffs, depriving Ratio Christi of access to these resources and illegally forcing its members to pay into a viewpoint-based student activity fee system.

7. These actions have resulted in content and viewpoint discrimination against Plaintiffs’ expression and religious beliefs. In taking these actions, Defendants have

implemented the challenged policies, violated Plaintiffs' constitutional rights, and inflicted irreparable injury upon Plaintiffs.

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

JURISDICTION & VENUE

9. 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.

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

11. 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 attorneys' fees under 42 U.S.C. § 1988.

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

PLAINTIFFS

13. Plaintiff Ratio Christi at the University of Colorado, Colorado Springs ("Ratio Christi") is an unincorporated expressive association made up of University students.

14. Part of Ratio Christi's mission is to be an expressive student organization at the University and to protect its members' constitutional rights on campus.

15. As a Christian apologetics organization, Ratio Christi seeks to advance a Biblical worldview, explaining how the Bible applies to various current cultural,

moral, and political issues.

16. For example, Ratio Christi is staunchly pro-life, believing that every human life—from conception to natural death—is created in the image of God.

17. The relief Ratio Christi requests is the same for itself and all members.

18. Plaintiff Brian Blevins is a current student at the University, is a member of Ratio Christi, and currently serves as the group’s president.

19. Plaintiff Kayla Callender is a current student at the University, is a member of Ratio Christi, and currently serves as the group’s vice president.

20. Plaintiff Joshua Stoll is a current student at the University, is a member of Ratio Christi, previously served as its president, and currently serves as its secretary.

21. Plaintiff Emily Danis is a current student at the University, is a member of Ratio Christi, and currently serves as the group’s treasurer.

22. Mr. Blevins, Miss Callender, Mr. Stoll, and Miss Danis (hereinafter collectively, “Student Plaintiffs”) bring this action both in their capacities as officers of Ratio Christi and in their individual capacities.

23. The Student Plaintiffs entered the University in the following semesters and have each remained a student at the University for every semester since:

Student Plaintiff	Initial Semester
Mr. Blevins	Fall 2015
Miss Callender	Fall 2014
Mr. Stoll	Fall 2012
Miss Danis	Fall 2014

24. As University students, each Student Plaintiff pays the University’s mandatory student activity fee every semester and has done so every semester in which he or she has been enrolled.

25. For each Student Plaintiff, the University’s mandatory student activity fee amounts to \$14.00 per semester.

26. Each of the Student Plaintiffs has thus paid the following amounts in mandatory student activity fees at the University:

Student Plaintiff	# of Semesters at the University	Student Activity Fees Paid
Mr. Blevins	7	\$98.00
Miss Callender	9	\$126.00
Mr. Stoll	13	\$182.00
Miss Danis	9	\$126.00

27. Each Student Plaintiff and every student member of Ratio Christi pays mandatory student activity fees at the University.

28. Mandatory student fees paid by each Student Plaintiff and every student member of Ratio Christi have been and will be allocated to student groups to which they object, including those that advocate anti-Christian or leftist political and cultural views that diverge from (and even oppose) Ratio Christi's beliefs.

29. The Student Plaintiffs (and other student members of Ratio Christi) would decline to support some or all of the registered and recognized organizations at the University if they had a choice because of the viewpoints these organizations advance, including, but not limited to, the following: Spectrum, College Democrats, Young Democratic Socialists of America, Be Fair Be Vegan, and Mi Gente My People.

30. Once recognized, Ratio Christi and its members intend to express their religious and other beliefs on the University's campus through a variety of means including flyers, signs, peaceful demonstrations, hosting tables with information, inviting speakers, and talking with fellow students about Christian beliefs and how they impact various social, moral, cultural, and ethical matters, among other things.

DEFENDANTS

31. Defendants Sue Sharkey, John Kroll, John Carson, Glen Gallegos, Heidi Ganahl, Irene Griego, Kyle Hybl, Stephen Ludwig, and Linda Shoemaker are, and were at all times relevant to this Complaint, members of the Board of Regents of the

University of Colorado (hereinafter collectively, “Regent Defendants”), a public university organized and existing under the laws of the state of Colorado, and are responsible for, among other things, the adoption and authorization of policies that govern student organizations at the University of Colorado and its constituent institutions (including the University), including the policies challenged herein.

32. As members of the Board of Regents, the Regent Defendants have the responsibility for final policymaking authority for rules and regulations that govern the University of Colorado System and its constituent institutions, including the policies governing students and student organizations at the University.

33. Each of the Regent Defendants is responsible for the enactment, amendment, and repeal of Board of Regents policies, including those challenged herein.

34. As members of the Board of Regents, the Regent Defendants possess the authority to change and enforce the policies challenged herein.

35. The Regent Defendants have not modified the policies challenged herein to comply with constitutional mandates.

36. Each of the Regent Defendants acquiesces in, sanctions, and supports the actions of the other Defendants in enforcing the policies challenged herein.

37. None of the Regent Defendants have instructed University of Colorado or University personnel, including the other Defendants, to change or alter the policies and practices challenged herein to comply with constitutional mandates.

38. Defendant Bruce D. Benson is, and was at all times relevant to this Complaint, the President of the University of Colorado.

39. The Board of Regents has delegated to the President of the University of Colorado powers to exercise discretionary authority and to perform duties vested in the Board of Regents related to the operation, control, and management of the

University of Colorado.

40. Defendant Benson is the chief executive, educational, and administrative officer of the University of Colorado.

41. Defendant Benson's authority includes oversight and control of the University.

42. Defendant Benson has the authority to delegate authority among subordinates, including those at the University.

43. Defendant Benson is responsible for enforcing University of Colorado policies, including the policies challenged herein, and applying them to Plaintiffs.

44. Defendant Benson possesses the authority and responsibility for coordination and approval of expression by students on the campuses of University of Colorado, including the registration and recognition of student organizations.

45. Defendant Venkat Reddy is, and was at all times relevant to this Complaint, Chancellor of the University of Colorado, Colorado Springs, a public university organized and existing under the laws of the Colorado.

46. Defendant Reddy is the chief executive, educational, and administrative officer of the University.

47. Defendant Reddy has the authority to delegate authority among subordinates.

48. Defendant Reddy is responsible for enforcing University of Colorado and University policies, including the policies challenged herein, and applying them to Plaintiffs.

49. Defendant Reddy possesses the authority and responsibility for coordination and approval of expression by students on the campus of the University, including the registration and recognition of student organizations.

50. Neither Defendant Benson nor Defendant Reddy has instructed University personnel, including the other Defendants, to change or alter the policies and practices challenged herein to comply with constitutional mandates.

51. In their respective positions, Defendants Benson and Reddy each has the authority to review, approve, or reject the decisions of other University officials and the other Defendants regarding the policies challenged herein.

52. Defendants Benson and Reddy each has authorized, approved, or implemented the policies challenged herein, including against Plaintiffs.

53. Defendant Sentwali Bakari is, and was at all times relevant to this Complaint, the Vice Chancellor for Student Success at the University.

54. Defendant Bakari possesses the authority and responsibility for regulation of student organizations at the University.

55. Defendant Bakari's duties include overseeing the Office of Student Life and Leadership.

56. Defendant Brad Bayer is, and was at all times relevant to this Complaint, the Senior Executive Director of Student Life & Leadership and Assessment at the University.

57. Defendants Bakari and Bayer each possesses the authority to change and enforce the UCCS policies challenged herein, including against Plaintiffs.

58. Defendant Sabrina Wienholtz is, and was at all times relevant to this Complaint, the Director of Student Clubs, Organizations, and Leadership at the University.

59. Krystal Schiffelbein was at times relevant to this Complaint the Coordinator of Student Clubs, Organizations, and Leadership Programming at the University.

60. Defendants Wienholtz and Schiffelbein, independently and in consultation

with each other, enforced the policies challenged herein against Plaintiffs and participated in the decision to deny registered status to Ratio Christi.

61. Defendants Reddy, Bakari, Bayer, and Wienholtz each has, and Defendant Schiffelbein had, authority under the policies challenged herein to review and approve or disapprove requests by students to form new student organizations and by student organizations for registration or recognition.

62. In executing these responsibilities, Defendants Reddy, Bakari, Bayer, and Wienholtz each implements, and Defendant Schiffelbein implemented, the policies challenged herein, including against Plaintiffs.

63. Defendants Reddy, Bakari, Bayer, Wienholtz, and Schiffelbein, independently and in consultation with each other, are responsible for enforcing the policies challenged herein and applying them to Plaintiffs.

64. Defendants Bakari, Bayer, Wienholtz, and Schiffelbein have failed to recommend any changes to the policies challenged herein to comply with constitutional mandates.

65. Defendants Reddy, Bakari, Bayer, Wienholtz, and Schiffelbein have failed to stop University officials, including each other and the other Defendants, from applying the policies challenged herein to students, including Plaintiffs.

66. Each and every Defendant is 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

I. Defendants' Unconstitutional Student Organization Policies

67. The University of Colorado System is comprised of four universities, including the University, each of which is bound by the policies adopted by the Regent Defendants.

68. The University is a public four-year college in the University of Colorado System, and receives funding from the State of Colorado in order to operate.

69. As an institution in the University of Colorado System, the University is governed by the University of Colorado Board of Regents (*i.e.*, the Regent Defendants).

70. The University operates a forum of student organizations that currently includes 270 student organizations.

71. Defendants have adopted and enforced a variety of policies that govern the UCCS student organization forum, including the following (hereinafter collectively “Defendants’ *Student Organization Policies*”), portions of which Plaintiffs challenge:

- a. Article 10 of the Board of Regents Law, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 1;
- b. *UCCS Club & Organization Handbook*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 2;
- c. *UCCS New Club Application*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 3;
- d. *UCCS Campus Policy 300-017*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 4;
- e. *UCCS Club and Organization Code of Conduct*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 5; and
- f. *UCCS Student Code of Conduct*, a true, accurate, and complete copy of which is attached to this Complaint as Exhibit 6.

72. Plaintiffs challenge facially the provisions of Defendants’ *Student Organization Policies* (and the policies they reference) that allow University officials to deny registered status to a student organization because that organization selects leaders that share and will advocate for the organization’s political philosophy. *See*

Ex. 1 at 1 (prohibiting discrimination based on “political philosophy”); Ex. 2 at 34 (same); Ex. 3 at 9 (same); Ex. 4 at 2 (same); *accord infra* ¶¶ 78–79, 88–99, 101–02.

73. Plaintiffs challenge facially and as-applied the provisions of Defendants’ *Student Organization Policies* (and the policies they reference) that:

- a. Grant UCCS officials unbridled discretion in awarding “registered” status to student organizations, thus giving them access to student activity fee funding (*see* Ex. 1 at 1–2 (failing to define what constitutes a “political philosophy,” thereby giving officials discretion to apply this term as they see fit); Ex. 2 at 34–35 (same); Ex. 3 at 9 (same); Ex. 4 at 2 (same); Ex. 2 at 5 (granting officials discretion to reject even applications that comply with all written standard); *accord infra* ¶¶ 78–79, 88–106); and
- b. Grant UCCS officials unbridled discretion in awarding “recognized” status to student organizations (*see* Ex. 2 at 6–7 (conditioning recognized status on how “closely aligned” a group’s activities are with the “mission of the University,” whether it has a “[c]lose affiliation with a department or college,” and “whether it “furthers the interests of the university through service or athletics”); *accord infra* ¶¶ 107–13).

74. Plaintiffs challenge as-applied the provisions of Defendants’ *Student Organization Policies* (and the policies they reference) that:

- a. Allow UCCS officials to deny registered status to a religious student organization because that organization selects leaders that share and will advocate for the organization’s religious beliefs (*see* Ex. 1 at 1 (prohibiting discrimination based on “religion”); Ex. 2 at 34 (same); Ex. 3 at 9 (same); Ex. 4 at 2 (same); *accord infra* ¶¶ 78–79, 88–99); and
- b. Allow UCCS officials to deny registered status to a religious student

organization because that organization requires that its members support its mission and purpose (*see* Ex. 1 at 1 (prohibiting discrimination based on “religion”); Ex. 2 at 34 (same); Ex. 3 at 9 (same); Ex. 4 at 2 (same); *accord infra* ¶¶ 78–79, 88–100).

A. Regent Defendants’ Student Organization Policies

75. The Regent Defendants adopt both laws and policies governing the University of Colorado System.

76. “Regent laws are the laws of the university as directed by the Board of Regents.”¹

77. Regent laws apply to all University of Colorado campuses, including the University, and to all University of Colorado officials, including Defendants.

78. Article 10 of the Board of Regents Laws prohibits various forms of discrimination and reads in relevant part:

The University of Colorado does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in . . . its educational programs and activities.

Ex. 1 at 1.

79. Defendants, by policy and practice, apply Article 10 of the Board of Regents Laws to students and student organizations, including Plaintiffs.

B. University Student Organization Policies

80. Defendants have implemented Article 10 of the Board of Regents Laws through the policies that govern its student organization forum, including the provisions of Defendants’ other *Student Organization Policies*.

81. Defendants’ *Student Organization Policies* explain the process by which

¹ *See* Univ. of Col. Bd. of Regents, *Laws and Policies*, available at <https://www.cu.edu/regents/laws-and-policies> (last visited Sept. 18, 2018).

students may form new student organizations.

82. If students want their student organization to be a full-fledged member of the campus community and to have access to campus resources, they must seek status as a registered or recognized student club.

1. Defendants' Hierarchy of Student Organizations

83. At the University, there are two classes of student organizations: registered and recognized.

84. "Registered" student organizations are "student-initiated groups that meet all the expectations" in Defendants' *Student Organization Policies*. See Ex. 3 at 8.

85. If a student organization obtains "registered" status, it obtains access to campus resources, such as "[a]ccess to funding via the Student Activity Fee," "[a]ccess to meeting and event space for free or at a reduced cost," and "[a]ccess to administrative support through the Department of Student Life." See Ex. 2 at 33; Ex. 3 at 8.

86. If a student organization obtains "recognized" status, it can access all resources available to "registered" student organizations. See Ex. 2 at 33; Ex. 3 at 9.

87. In addition, "recognized" student organizations gain the ability to use University "names, logos, and other marks"; the ability to use the University's "tax ID number for the purposes of proving tax-exempt status"; the ability to use "the UCCS Student Government Association raffle license"; and the "[e]stablishment of an auxiliary (fund 20) speedtype account and access to the Procurement Service Center." See Ex. 2 at 33–34; Ex. 3 at 8; *accord* Ex. 2 at 6.

2. Becoming a Registered Student Organization

88. To become "registered," a student organization must complete the *UCCS New Club Application*. See Ex. 3.

89. To complete that application, a student organization must provide various

pieces of information, including a written constitution. *See* Ex. 3 at 1–7.

90. To complete that application, a student organization must also agree to the *Student Club/Organization Agreement* (“*Agreement*”) contained in Defendants’ *Student Organization Policies*. *See* Ex. 2 at 31–35; Ex. 3 at 7–9.

91. Student organizations “must acknowledge the Club Agreement in the yearly club renewal process and any time they submit an update or renewal of their club.” Ex. 2 at 23.

92. The *Agreement* “applies to all clubs registered with Student Life.” Ex. 2 at 23.

93. In the *Agreement*, the University disclaims any endorsement of a student organization’s expression or mission and specifies that they “are not considered departments of the University.” *See* Ex. 2 at 31, 34; Ex. 3 at 8–9.

94. A student organization violates this *Agreement* if it “discriminate[s] on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, political affiliation or philosophy, religion, sexual orientation, gender identity, gender expression, or veteran status in any of its activities or when determining its membership.” *See* Ex. 2 at 34–35; Ex. 3 at 9.

95. In this *Agreement*, a student organization must agree “to comply with all University policies and procedures” including the *UCCS Campus Policy 300-017* and the *UCCS Club and Organization Code of Conduct*. *See* Ex. 2 at 32; Ex. 3 at 8.

96. *UCCS Campus Policy 300-017* “prohibits unlawful discrimination and harassment based on protected class.” Ex. 4 at 2.

97. *UCCS Campus Policy 300-017* defines “‘protected classes’ to include the following: race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy.” Ex. 4 at 2.

98. *UCCS Campus Policy 300-017* “applies to all students . . . [and] affiliated entities.” Ex. 4 at 2.

99. Defendants’ *Student Organization Policies* incorporate *UCCS Campus Policy 300-017* when they prohibit various forms of discrimination, as detailed above. *See* Ex. 2 at 34 (“In accordance with the Discrimination and Harassment Policy. . . .”); Ex. 3 at 9 (same).

100. Defendants, by policy and practice, apply their *Student Organization Policies* to prohibit religious student organizations from requiring that students must support the organization’s purpose in order to become a member of that organization because their purposes are religious.

101. None of Defendants’ *Student Organization Policies* define or contain any guidelines, standards, or criteria limiting the discretion of University officials in defining what constitutes a “political philosophy,” thereby granting those officials unbridled discretion.

102. Upon information and belief, a person’s views on sanctity of life issues, such as abortion, qualify as “political philosophy” under Defendants’ *Student Organization Policies*.

103. Once a student organization has submitted the *New Club Application* and its constitution, officials from the University’s Student Life Office (including, but not limited to, Defendant Wienholtz and formerly Defendant Schiffelbein) review these documents and decide whether or not to approve the application. *See* Ex. 2 at 5.

104. Defendants’ *Student Organization Policies* contain no guidelines, standards, or criteria limiting the discretion of University officials in determining whether to approve or reject a student organization’s application for registered status, thereby granting those officials unbridled discretion.

105. Defendants' *Student Organization Policies* contain no guarantee that student organizations whose application satisfies all written criteria will be granted registered status, thereby granting University officials unbridled discretion to reject applications that meet all published requirements.

106. Defendants' *Student Organization Policies* contain no avenue for student organizations whose application for registered status was denied to appeal that denial.

3. Becoming a Recognized Student Organization

107. Once a student organization has obtained "registered" status, it can seek to obtain "recognized" status and the accompanying access to greater campus resources.

108. "Recognized" student organizations are registered groups "whose on-campus activities are closely aligned with the mission of the University." Ex. 2 at 6.

109. Defendants' *Student Organization Policies* provide no objective and comprehensive guidelines, standards, or criteria for University officials to use in assessing how closely a student organization's mission aligns with the University's, thereby granting these officials unbridled discretion to assess this on a continuum.

110. To obtain "recognized" status, a student organization must either (1) have a "[c]lose affiliation with a department or college as a whole" or (2) "further[] the interests of the university through service or athletics."

111. Defendants' *Student Organization Policies* provide no objective and comprehensive guidelines, standards, or criteria for University officials to use in assessing how closely affiliated a student organization is with a University department or college, thereby granting these officials unbridled discretion to assess this on a continuum.

112. Defendants' *Student Organization Policies* provide no objective and

comprehensive guidelines standards, or criteria for University officials to use in assessing whether a student organization “furthers the interests of [the University] through service or athletics,” thereby granting these officials unbridled discretion to assess this on a continuum.

113. Defendants’ *Student Organization Policies* contain no avenue for student organizations whose application for recognized status was denied to appeal that denial.

4. Sanctions for Students and Student Organizations

114. If University officials decide that a student organization has violated the *Agreement*, that organization can lose its “registered” or “recognized” status, and its members and officers can also be subject to discipline. *See* Ex. 2 at 35; Ex. 3 at 9.

115. If University officials decide that a student has violated *UCCS Campus Policy 300-017*, that student is “subject to disciplinary action, up to and including, expulsion.” Ex. 4 at 2.

116. If University officials decide that a student organization has violated the *Agreement* (which incorporates *UCCS Campus Policy 300-017*), both that organization and its members risk disciplinary action under the *UCCS Club and Organization Code of Conduct*. *See* Ex. 5 at 1–4; Ex. 2 at 35–39.

117. Under the *UCCS Club and Organization Code of Conduct*, a student organization “may be subject to disciplinary action when it engages in a violation of . . . University policy [and] the Student Code of Conduct” when:

- a. “one or more of [its] members is acting within the scope of their organizational capacities”;
- b. an “action was approved by the majority vote or with the consensus of the organization’s members”; or

- c. “one or more members of an organization knew that an act constituting a violation was either occurring or about to occur, and fails to prevent the action or fails to report it to appropriate University authorities in a timely manner.”

Ex. 5 at 1; Ex. 2 at 35–36.

118. If a student organization is subject to disciplinary action, the *UCCS Club and Organization Code of Conduct* makes it clear that “individual students who may have engaged in misconduct will be referred to the Dean of Students Office for disciplinary action under the UCCS Student Code of Conduct.” Ex. 5 at 1; Ex. 2 at 36.

119. Under the *UCCS Club and Organization Code of Conduct*, student organizations face disciplinary actions ranging from official reprimand to withdrawal of registration or recognition. Ex. 5 at 3; Ex. 2 at 38.

120. Under the *UCCS Student Code of Conduct*, students face disciplinary actions ranging from a written warning, to expulsion or exclusion from campus, to even delayed conferral of their degree or revocation of an earned degree. Ex. 6 at 10–12.

II. Defendants’ Enforcement of Their Unconstitutional Policies

121. Since at least 2016, Ratio Christi has sought registered status at the University.

122. Defendants have enforced their *Student Organization Policies* against Plaintiffs by rejecting Ratio Christi’s applications for registered status because it requires members to support its mission and officers to share its religious beliefs.

A. Ratio Christi’s Theological Beliefs & Leadership Requirements

123. Ratio Christi is a Christian apologetics organization whose purpose is “to encourage and strengthen the faith of Christian students while sharing Christ’s message and love with those who have not yet accepted Him.” A true, accurate, and

complete copy of the constitution Ratio Christi submitted to the University in August 2018 is attached to this Complaint as Exhibit 7.

124. Ratio Christi is a student chapter of Ratio Christi, Inc., a non-profit corporation with its principal offices in Indian Trail, North Carolina.

125. The student chapters of Ratio Christi, Inc. are bound and governed by its policies and guidelines, and they are its local extensions.

126. Ratio Christi's mission is "to equip university students and faculty to give historical, philosophical, and scientific reasons for following Jesus Christ." Ex. 7 at 1.

127. Ratio Christi seeks to discuss "culturally relevant issues related to history, science, philosophy, and theology and ask how they pertain to a biblical worldview and the truth of Christianity." It also seeks to "encourage all students and faculty to interact with Christian thinkers on an objective, intellectual basis."

128. Ratio Christi's goal is "to foster critical thinking, the use of logic, and evidential and philosophical tools in the pursuit of truth in understanding the world and religious beliefs." Ex. 7 at 1.

129. Ratio Christi promotes the intellectual development of students who share an interest in Christian beliefs and want to be able to defend and discuss their beliefs and the beliefs of others in an intellectual manner by giving the historical, philosophical, and scientific reasons for following Jesus Christ.

130. As part of its Christian mission, Ratio Christi welcomes all students to participate in its activities and events.

131. Ratio Christi serves the University community in various ways, including by enriching the marketplace of ideas with perspectives students may not often hear elsewhere and by providing a place where students of different backgrounds and perspectives can discuss the religious, moral, and cultural issues of the day.

132. Ratio Christi seeks to preserve its Christian identity, purpose, and message.

133. Ratio Christi's members, by having the power to vote on any organizational business, influence the message and direction of the organization.

134. Therefore, Ratio Christi allows any student at the University "who agree[s] with and promote[s]" its mission and purposes to join as a member. Ex. 7 at 2.

135. Ratio Christi does not require students to "profess faith in, endorse, or adopt any religious beliefs" to become a member or participate in its activities. Ex. 7 at 2, 6.

136. It would contradict Ratio Christi's expressive and associational purpose to allow individuals who do not support its mission and purposes to serve as members.

137. Conferring membership on those who do not support Ratio Christi's purposes would communicate a message which it opposes and does not wish to communicate.

138. As a Christian organization, Ratio Christi believes that its officers "are the spiritual leaders of the Chapter" and that they are "responsible for promoting, guiding, and leading the spiritual health of the Chapter and its members; for leading others toward Christian maturity; for teaching faithfully the Word of God; and for teaching, inculcating, defending, communicating, and advocating the Chapter's Christian beliefs," both internally to members and externally to the University community. Ex. 7 at 3.

139. Ratio Christi provides all of its officers "with specialized training as spiritual leaders of the organization." Ex. 7 at 3.

140. Therefore, the primary responsibilities of Ratio Christi's officers are (1) to exercise spiritual leadership and (2) "to live in a manner that is consistent with Christian beliefs and conduct standards, so as not to undermine the Chapter's Christian witness on campus," and (3) "to ensure that the viewpoints the Chapter

advocates on campus through its events and activities are consistent with Christian teaching and a Biblical worldview.” Ex. 7 at 3.

141. Ratio Christi charges each officer with the responsibility “of living, before the Chapter and the world, a life which places Jesus Christ at the center.” Ex. 7 at 3–4.

142. Hence, all Ratio Christi officers must, among other things, “profess a personal relationship with Jesus Christ and abstain from any conduct that would impair their ability to bear witness of their faith and serve the purposes of the organization.” Ex. 7 at 2.

143. It would contradict Ratio Christi’s expressive and associational purpose to permit individuals who do not profess a relationship with Jesus Christ and share its religious beliefs to serve as its officers.

144. Conferring leadership positions to those who do not profess a relationship with Jesus Christ and share Ratio Christi’s religious beliefs would communicate a message which Ratio Christi opposes and does not wish to communicate.

145. Ratio Christi’s membership and leadership policies are an expression of its faith and are integral to ensuring that it can achieve its religious mission.

146. Ratio Christi does not limit membership based on any criterion listed as a protected class in Defendants’ *Student Organization Policies*.

147. Ratio Christi does not limit leadership based on any criterion, other than religion (and the political philosophies that flow from its religious beliefs), listed as a protected class in Defendants’ *Student Organization Policies*.

148. Because of its sincerely held religious beliefs, Ratio Christi objects to communicating a University-imposed ideological message in its organization documents of acceptance or approval of other religious beliefs that undermine the Christian message it advocates and advances on campus.

149. Because of their sincerely-held religious beliefs, Plaintiffs object to the challenged portions of Defendants' *Student Organization Policies* because they require Ratio Christi to accept as members students who do not support its purposes and as officers students who do not share its religious beliefs or political philosophy.

B. Ratio Christi's 2016 & 2017 Quests for Registered Status

150. In the fall of 2016, Ratio Christi submitted its application for registered status and its constitution to the appropriate officials for review.

151. In November 2016, Defendants Wienholtz and Schiffelbein met with two of Ratio Christi's officers to discuss further changes they wanted to see in its constitution.

152. Upon information and belief, before Defendants Wienholtz and Schiffelbein met with Ratio Christi's officers, they discussed Ratio Christi's quest for registered status with other University officials, including Defendants Bayer, Bakari, and Reddy.

153. At this meeting, Defendant Schiffelbein apologized for the delay in scheduling the meeting, explaining that it took a while for "everyone" to read Ratio Christi's constitution thoroughly.

154. At this meeting, Defendants Wienholtz and Schiffelbein said that Ratio Christi's constitution could not be approved because it required that its officers be professing Christians.

155. Defendants Wienholtz and Schiffelbein stated that requiring officers to be professing Christians violated the Board of Regents' nondiscrimination policy.

156. Defendants Wienholtz and Schiffelbein provided the two Ratio Christi officers a copy of the Board of Regents' nondiscrimination policy they referenced, and it was Article 10 of the Board of Regents Laws (*i.e.*, Ex. 1).

157. In February 2017, Defendant Schiffelbein again met with officers of Ratio

Christi to discuss its constitution.

158. Defendant Schiffelbein explained that Defendant Wienholtz had contacted other University officials to discuss Ratio Christi's quest for registered status.

159. Upon information and belief, before Defendant Schiffelbein met with Ratio Christi officers, she discussed Ratio Christi's quest for registered status with other University officials, including Defendants Wienholtz, Bayer, Bakari, and Reddy.

160. At this meeting, Defendant Schiffelbein indicated that Ratio Christi could not say that members must agree with and promote the purposes of the organization because those purposes are religious.

161. In the fall of 2017, Ratio Christi again applied for registered status and was again rejected.

162. In November 2017, Defendant Schiffelbein again explained that Ratio Christi's constitution violated Defendants' nondiscrimination policies.

163. Defendant Schiffelbein identified the provisions of Ratio Christi's constitution that, in her eyes, prevented it from obtaining registered status. These included the requirements that members agree with and promote Ratio Christi's purposes and that officers be professing Christians, along with a few other minor provisions.

164. In the spring of 2018, Defendant Wienholtz explained to Mr. Blevins that she and Defendant Schiffelbein had consulted one another in denying Ratio Christi's previous requests for registered status.

165. At each of these meetings, Defendants Wienholtz and Schiffelbein applied and enforced the challenged provisions of Defendants' *Student Organization Policies* relating to membership and officers.

166. Upon information and belief, each time Defendants Wienholtz and Schiffelbein

rejected Ratio Christi's constitution, they acted at the instruction or with the approval of other University officials, including Defendants Bayer, Bakari, and Reddy.

C. Ratio Christi's 2018 Quest for Registered Status

167. On August 8, 2018, Mr. Blevins submitted Ratio Christi's application for registered status. A true, accurate, and complete copy of Ratio Christi's 2018 application for registered status is attached to this Complaint as Exhibit 8.

168. Along with this application, Mr. Blevins submitted Ratio Christi's updated constitution which accepted Defendant Schiffelbein's recommendations regarding the minor provisions. *See Ex. 7.*

169. On August 28, 2018, Defendant Wienholtz rejected Ratio Christi's application for registered status yet again. A true, accurate, and complete copy of her e-mail communicating this rejection is attached to this Complaint as Exhibit 9.

170. In her August 28, 2018 e-mail, Defendant Wienholtz highlighted three provisions of Ratio Christi's constitution as problematic and preventing the group from receiving registered status.

171. First, Defendant Wienholtz objected to the provision of Ratio Christi's constitution that requires prospective members to "agree with and promote" Ratio Christi's purposes. *See Ex. 9.*

172. Defendant Wienholtz argued that this provision means that Ratio Christi is "not open to all students," particularly "students who may disagree with those tenants [sic]." *Ex. 9.*

173. Defendant Wienholtz stated that this provision needed to be changed to "aspirational language" (*i.e.*, "student members should promote the purposes, etc.") if Ratio Christi wanted to obtain registered status.

174. Second (and related), Defendant Wienholtz objected to the provision of Ratio

Christi's constitution that authorizes officers to confer membership on students who met the eligibility criteria. *See* Ex. 9.

175. However, Ratio Christi's constitution explicitly states that students do not have to hold or adopt any religious beliefs to become members or participate in its activities. Ex. 7 at 2, 6.

176. Last, Defendant Wienholtz stated that "[t]he requirement that club officers profess faith is in violation of our anti-discrimination policy." Ex. 9.

177. Defendant Wienholtz stated that Ratio Christi's requirement that officers be professing Christians had to be changed "to aspirational language" (*i.e.*, "should profess a relationship [with Christ]") if Ratio Christi wanted to receive registered status. Ex. 9.

178. In saying all of this, Defendant Wienholtz applied and enforced the challenged provisions of Defendants' *Student Organization Policies* relating to membership and officers.

179. Upon information and belief, in saying this, Defendant Wienholtz acted at the instruction or with the approval of other University officials, including Defendants Bayer, Bakari, and Reddy.

180. Defendant Wienholtz repeated verbatim the relevant parts of Defendant Schiffelbein's November 2017 e-mail to Ratio Christi officers.

181. Presently, Ratio Christi is operating as an unregistered student group and is being denied access to all the resources and privileges accorded to registered groups, including access to student activity fee funding.

D. Defendants' Disparate Treatment of Ratio Christi

182. In applying their *Student Organization Policies*, Defendants treat similarly situated student organizations dramatically different.

183. First, Defendants allow other student organizations to limit membership to those who support the organization's purpose.

184. For example, a conservative student organization at the University limits associate membership to those who "demonstrate[] an interest and willingness to support the purposes and objectives of the Club."

185. This conservative student organization is currently a registered student organization at the University.

186. A libertarian student organization at the University limits associate membership "to any individual who demonstrates . . . a willingness to support the purposes and objectives of the Club."

187. That libertarian organization was a registered student organization at the University for many years until the fall of 2018.²

188. The UCCS Mock Trial Team requires members to sign an agreement, in which they agree to the team's behavioral and other expectations and to all of its policies as outlined both in the agreement and in the team's constitution.

189. The UCCS Mock Trial Team is currently a recognized student organization at the University.

190. The Trans Student Union requires that its members "believe that transgender people are the gender they say they are."

191. If a member expresses views that differ from the mission and purpose of the Trans Student Union, the group will take action because its constitution states: "Any transphobic comments or behavior will be addressed by the club leadership and/or the club advisor." This review includes reviewing and potentially ending a student's

² In the fall of 2018, this libertarian organization lost its registered status because it missed a deadline for submitting the necessary papers, not because of its membership provision.

membership.

192. The Trans Student Union is currently a recognized student organization at the University.

193. At the University of Colorado, Boulder, the Gender & Sexuality Alliance states that its “weekly meetings are offered to all trans*, queer, intersex, and allied students.”

194. Upon information and belief, the Gender & Sexuality Alliance would refuse to accept as members or officers students who hold Biblical beliefs that human beings are created as either male or female, that their status as such cannot change, and that sexual conduct is to be reserved for a marriage between one man and one woman.

195. Thus, the Gender & Sexuality Alliance requires its members and officers to support the group’s mission and purpose (and political philosophy).

196. The Gender & Sexuality Alliance is currently a recognized student organization at the University of Colorado, Boulder.

197. Upon information and belief, other student organizations at the University and in the University of Colorado system also limit membership to students who support their respective missions.

198. Second, other student organizations in the University of Colorado System are allowed to require that their officers share the organization’s beliefs.

199. For example, upon information and belief, a Christian student organization at the University of Colorado, Boulder requires all officers to “agree to and affirm the following Statement of Faith.”

200. That Christian student organization is currently a recognized student organization at the University of Colorado, Boulder.

201. A Christian student organization at the University requires its leaders to

“support and uphold the purposes of our club.”

202. That same Christian student organization states in its constitution that leaders “must sign and agree to all the expectations in the leadership agreement.”

203. That organization’s leadership agreement states that leaders must help “challeng[e] unbelievers to be open to the belief that the Bible is true and Jesus is who He says He is.”

204. That organization’s leadership agreement also requires leaders to “devote themselves to becoming more like Jesus Christ” and to “faithfully attend a local Bible-believing church.”

205. This Christian student organization is currently a registered student organization at the University.

206. Another Christian student organization at the University requires its officers to “read and agree[] to” the statement of faith and conduct policy of the national organization with which it is affiliated.

207. This Christian student organization is currently a registered student organization at the University.

208. Upon information and belief, other student organizations in the University of Colorado System and at the University also require their officers to share the beliefs of the organization.

209. Third, Defendants have granted registered status to a variety of student organizations, despite the fact that they violate Defendants’ *Student Organization Policies* by selecting officers and members based on the listed protected characteristics.

210. Alpha Sigma Phi, Pi Kappa Phi, and Sigma Alpha Epsilon are all fraternities at the University, and Delta Sigma Theta, Phi Sigma Sigma, Phi Beta Phi, and Zeta Phi Beta are all sororities there.

211. Upon information and belief, each of these fraternities allows only men to join as members or serve as officers, and each of these sororities allows only women to do so. Thus, each is discriminating based on sex and violating Defendants' *Student Organization Policies*.

212. Each of these fraternities and sororities is currently a registered student organization at the University.

213. The Trans Student Union requires its members and leaders to "believe that transgender people are the gender they say they are" and threatens to revoke the membership or leadership position of anyone who engages in "transphobic comments or behavior."

214. The Trans Student Union thus requires its members and leaders to support the group's political philosophy.

215. The Trans Student Union is currently a registered student organization at the University.

216. UNIDOS is dedicated to "[c]reating a safe space for undocumented students and students from mixed-status families."

217. UNIDOS prohibits its members and officers from "out[ing] an undocumented student or a student from a mixed-status family."

218. Members and officers who engage in "serious violations of [UNIDOS]' constitution" can be expelled from the club or from their leadership position.

219. Thus, UNIDOS requires its members and officers to support the group's political philosophy.

220. UNIDOS is currently a registered student organization at the University.

221. At the University of Colorado, Boulder, the Brazen Project seeks to ensure that anyone can access an abortion "without shame or stigma."

222. Upon information and belief, the Brazen Project would refuse to accept as a member or as an officer someone who is pro-life.

223. Thus, the Brazen Project requires its members and officers to support the group's political philosophy.

224. The Brazen Project is currently a recognized student organization at the University of Colorado, Boulder.

225. At the University of Colorado, Boulder, Buffs for Reproductive Rights is a student organization that defends abortion and advocates a pro-abortion perspective.

226. Upon information and belief, Buffs for Reproductive Rights would refuse to accept as a member or as an officer someone who is pro-life.

227. Thus, Buffs for Reproductive Rights requires its members and officers to support the group's political philosophy.

228. Buffs for Reproductive Rights is currently a recognized student organization at the University of Colorado, Boulder.

229. At the University of Colorado, Boulder, Young Democratic Socialists of America is a student organization "comprised of leftists of all stripes, ranging from communists to social democrats to labor organizers."

230. Upon information and belief, Young Democratic Socialists of America would refuse to accept as a member or as an officer someone who disagrees with leftist political viewpoints.

231. Thus, Young Democratic Socialists of America requires its members and officers to support the group's political philosophy.

232. Young Democratic Socialists of America is currently a recognized student organization at the University of Colorado, Boulder.

233. Upon information and belief, other student organizations at the University

and in the University of Colorado system also limit membership and leadership positions to students who support their political philosophies.

E. Effect of Defendants' Discrimination on Ratio Christi

234. Defendants' *Student Organization Policies* and their enforcement of those policies burdens Plaintiffs' speech and expressive association for multiple reasons.

235. First, Defendants' *Student Organization Policies* and their enforcement of those policies give Ratio Christi less access to campus resources than other student organizations at the University.

236. Due to Defendants' actions enforcing their *Student Organization Policies*, Ratio Christi has no access to student activity fee funding, cannot reserve meeting and event space for free or at a reduced cost, and has no access to administrative support from the Student Life Office, among other things.

237. Due to Defendants' actions enforcing their *Student Organization Policies*, Ratio Christi cannot even become eligible to apply for "recognized" status and seek the resources that accompany that status.

238. Second, Defendants' *Student Organization Policies* and their enforcement of those policies condition Ratio Christi's receipt of campus resources on its willingness to surrender its constitutionally-protected freedoms.

239. If it were to waive any of these freedoms, Ratio Christi would impede its ability to communicate a unified, coherent message to the campus community; its ability to fulfill its religious mission on campus; and its ability to ensure that it remains faithful to its Christian beliefs, identity, and purpose.

240. Third, Defendants' *Student Organization Policies* and their enforcement of those policies subject Ratio Christi (and all other student organizations) to an annual review process in which officials have unbridled discretion to determine each

organization's standing on campus and access to campus resources and funding and are required to consider a variety of content- and viewpoint-based factors when deciding whether to grant an organization "recognized" status.

241. Fourth, Defendants' *Student Organization Policies* and their enforcement of those policies require Plaintiffs to communicate a University-mandated ideological message that they do not wish to communicate.

242. Plaintiffs hold and advocate Christian beliefs and viewpoints which they believe are divinely-mandated, universally applicable theological and ethical propositions.

243. Plaintiffs seek to maintain fidelity to these beliefs and viewpoints in their public as well as private expressions.

244. Defendants' *Student Organization Policies* and their enforcement of those policies compel Plaintiffs to send a message regarding who can lead this Christian organization that is contrary to their Christian beliefs.

245. Defendants have refused to grant Ratio Christi registered status until it changes its constitution to include language mandated by Defendants' *Student Organization Policies* regarding who can join and lead the organization.

246. Defendants keep student organizations' constitutions and applications for registered status on file and make them available to other students and student organizations upon request.

247. Plaintiffs object to the requirement compelling them to speak a message with which they disagree as a condition of being granted registered status.

248. Fifth, Defendants' *Student Organization Policies* and their enforcement of those policies compel all University students, including Plaintiffs, to subsidize the speech of third parties via a student activity fee system in which funds are not

allocated in a viewpoint neutral fashion.

249. Sixth, Defendants' *Student Organization Policies* and their enforcement of those policies expose Plaintiffs to multiple levels of disciplinary action.

STATEMENTS OF LAW

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

251. Defendants knew or should have known that they were violating the constitutional rights of all student organizations (including Ratio Christi) and their members by:

- a. Denying Ratio Christi registered status because it requires that its officers, who have religious responsibilities, share the organization's religious beliefs and that its members support its purposes;
- b. Conditioning a student organization's access to campus resources and student activity fee funding on a system where University officials have unbridled discretion to grant or deny registered or recognized status;
- c. Conditioning a student organization's access to campus resources on a system where University officials are required to consider multiple content- and viewpoint-based factors;
- d. Conditioning a student organization's access to campus resources and student activity fee funding on its willingness to surrender certain constitutional rights; and
- e. Threatening to discipline students simply because they exercise their constitutional rights to expressive association, free speech, and/or free

exercise of religion in the context of a student organization.

252. Defendants knew or should have known that they were violating the constitutional rights of University students, including the Student Plaintiffs and each student member of Ratio Christi, by:

- a. Conditioning a student organization's access to student activity fee funding on a registration system where University officials have unbridled discretion; and
- b. By forcing students to pay a mandatory student activity fee that is not distributed in a viewpoint-neutral fashion.

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

254. Plaintiffs are suffering irreparable harm from Defendants' *Student Organization Policies* and the way those policies have been enforced.

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

256. Defendants' actions and policies, as set forth above, do not serve any legitimate or compelling state interest and are not narrowly tailored to serve any such interests.

257. Unless the policies and conduct of Defendants are enjoined, Plaintiffs will continue to suffer irreparable injury.

258. 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 Expressive Association
(42 U.S.C. § 1983)

259. Plaintiffs repeat and reallege each of the allegations contained in paragraphs

1–258 of this Complaint.

260. Ratio Christi is an expressive association whose ability to advocate its Christian message and viewpoints on campus would be significantly affected if forced to accept as members individuals who oppose or undermine its mission and purpose or if forced to accept as officers individuals who do not share (and thus cannot advance or defend) the organization’s beliefs, values, and views.

261. By denying registered status (and the accompanying resources) to Plaintiffs because they limit membership in Ratio Christi to those who support the organization’s purpose, Defendants have infringed Plaintiffs’ right to expressive association.

262. By denying registered status (and the accompanying resources) to Plaintiffs because they allow only those that share Ratio Christi’s Christian beliefs to serve as its officers, Defendants have infringed Plaintiffs’ right to expressive association.

263. By denying registered status (and the accompanying resources) to Plaintiffs because they allow only those that share Ratio Christi’s religiously-based political philosophies to serve as its officers, Defendants’ *Student Organization Policies* infringe Plaintiffs’ right to expressive association.

264. Defendants’ *Student Organization Policies* and related practices violate Plaintiffs’ right to expressive association as guaranteed by the First Amendment to the United States Constitution.

SECOND CAUSE OF ACTION
Violation of Plaintiffs’ First Amendment Right to Freedom of Speech
Content & Viewpoint Discrimination
(42 U.S.C. § 1983)

265. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–258 of this Complaint.

266. Defendants’ *Student Organization Policies* and related practices mandate

content and viewpoint discrimination.

267. Defendants' *Student Organization Policies* and related practices prohibit student organizations that advocate religious and political viewpoints from limiting leadership positions to those who share the organization's beliefs while allowing student organizations that advocate other viewpoints (*i.e.*, those not pertaining to a protected class) to limit their leadership positions in these ways.

268. Defendants' *Student Organization Policies* and related practices deny registered or recognized status (and the accompanying resources) to student organizations that advocate religious and political viewpoints if they limit leadership positions to those who share the organization's beliefs while granting those same statuses (and the same resources) to student organizations that advocate other viewpoints and limit their leadership positions in these ways.

269. Defendants' *Student Organization Policies* and related practices require officials to evaluate the content and viewpoint of student organizations' expression when deciding whether to grant them recognized status.

270. Defendants engaged in content and viewpoint discrimination when they applied their *Student Organization Policies* to deny Ratio Christi registered status because it limits membership to students who support its mission.

271. Defendants engaged in content and viewpoint discrimination when they applied their *Student Organization Policies* to deny Ratio Christi registered status because it allows only those that share its Christian beliefs to serve as its officers.

272. By denying registered status (and the accompanying resources) to Plaintiffs because they allow only those that share Ratio Christi's religiously-based political philosophies to serve as its officers, Defendants' *Student Organization Policies* mandate content and viewpoint discrimination.

273. Defendants' *Student Organization Policies* confer unbridled discretion upon University officials to discriminate based on content or viewpoint.

274. These grants of unbridled discretion to University officials violate the First Amendment because they create a system in which expression is reviewed without any standards, thus giving students no way to prove that the denial of registered or recognized status was based on unconstitutional considerations.

275. Defendants exercised this unbridled discretion when they denied Ratio Christi registered status because it limits membership to students who support its mission and because it allows only those who share its Christian beliefs to serve as its officers.

276. Defendants' *Student Organization Policies* and related practices deny student activity fee funding to student groups based on viewpoint-based considerations.

277. Defendants' *Student Organization Policies* and related practices prohibit student organizations that do not have "registered" or "recognized" status from receiving student activity fee funding.

278. Defendants' *Student Organization Policies* limit whether a student organization can receive "registered" or "recognized" status using factors that are either explicitly viewpoint-based or that are effectively viewpoint-based because they grant those officials unbridled discretion.

279. Defendants engaged in viewpoint discrimination when they repeatedly denied Ratio Christi's quest for "registered" status, thereby denying Ratio Christi access to the student activity fee forum Defendants created.

280. Through their *Student Organization Policies*, Defendants compel the Student Plaintiffs, every student member of Ratio Christi, and all University students to pay

a mandatory student activity fee that is used in part to fund student organization speech pursuant to a policy under which the funds are not allocated in a viewpoint-neutral fashion.

281. Defendants' *Student Organization Policies* compel the Student Plaintiffs and every student member of Ratio Christi to fund and support speech and viewpoints with which they disagree and which they find offensive and objectionable.

282. Defendants' *Student Organization Policies* and related practices violate Plaintiffs' right to free speech as guaranteed by the First Amendment to the U.S. Constitution.

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

283. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–258 of this Complaint.

284. Defendants' *Student Organization Policies* limit whether a student organization can receive “registered” or “recognized” status using factors that are either explicitly viewpoint-based or that are effectively viewpoint-based because they grant those officials unbridled discretion.

285. Defendants engaged in viewpoint discrimination when they denied (at least three times) Ratio Christi's quest for “registered” status, thereby denying Ratio Christi access to the student activity fee forum Defendants created.

286. Through their *Student Organization Policies*, Defendants compel the Student Plaintiffs, every student member of Ratio Christi, and all University students to pay a mandatory student activity fee that is used in part to fund student organization speech pursuant to a policy under which the funds are not allocated in a viewpoint-neutral fashion.

287. Defendants therefore have compelled and continue to compel all University students, including the Student Plaintiffs and every student member of Ratio Christi to fund and support speech and viewpoints they find offensive and objectionable.

288. Defendants' *Student Organization Policies* and their enforcement policies also force Plaintiffs to express a message regarding who can serve as members and leaders of a Christian ministry that conflicts with their religious beliefs, that undermines their desired message, and that they do not wish to communicate.

FOURTH CAUSE OF ACTION
Violation of Plaintiffs' First Amendment Right to Free Exercise of Religion
(42 U.S.C. § 1983)

289. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–258 of this Complaint.

290. The First Amendment's Free Exercise Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, guarantees Plaintiffs the free exercise of religion.

291. Plaintiffs' decisions to limit membership to those who support Ratio Christi's mission and purposes and to allow only those that share its Christian beliefs (and the political philosophies that flow from them) to serve as its officers are motivated by their sincerely held religious beliefs, are avenues through which they exercise their religious faith, and constitute a central component of their sincerely held religious beliefs.

292. Defendants' *Student Organization Policies* and related practices are neither neutral nor generally applicable but allow Defendants to target religious expression and activities specifically.

293. Defendants' *Student Organization Policies* and related practices are neither neutral nor generally applicable because they represent a system of individualized

assessments.

294. Defendants' *Student Organization Policies* and related practices grant University officials unbridled discretion when evaluating requests from student organization for "registered" or "recognized" status (and the accompanying resources), and thus, they establish a system of individualized assessments.

295. Defendants' *Student Organization Policies* and related practices are underinclusive, prohibiting some expression and association while leaving other expression and association equally harmful to the University's asserted interests unprohibited.

296. Defendants' *Student Organization Policies* and related practices burden several of the constitutional rights of all University students, including Plaintiffs, in addition to their rights under the Free Exercise Clause (*e.g.*, freedom of speech, freedom expressive association, freedom from unconstitutional conditions, due process and equal protection rights).

297. Defendants violated Plaintiffs' right to free exercise of religion when they denied registered status to Ratio Christi because it limits membership to students who support its mission and purposes and because it allows only those that share its Christian beliefs to serve as its officers (though it allows other organizations to do both).

298. Defendants' *Student Organization Policies* and related practices violate Plaintiffs' right to free exercise of religion as guaranteed by the First Amendment to the United States Constitution.

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

299. Plaintiffs repeat and reallege each of the allegations contained in paragraphs

1–258 of this Complaint.

300. Defendants’ *Student Organization Policies* and related practices impose an unconstitutional condition upon students’ right to access the student organization forum on campus and their receipt of state benefits (*i.e.*, the resources that accompany the access to that forum).

301. Defendants’ *Student Organization Policies* and related practices impose an unconstitutional condition upon a student organization’s right to access the student activity fee forum on campus and its receipt of state benefits (*i.e.*, the funding that accompanies access to that forum).

302. Defendants’ *Student Organization Policies* and related practices require students and student organizations to surrender their constitutionally protected rights to expressive association, freedom of speech, and free exercise of religion to obtain registered or recognized status and the accompanying eligibility for campus resources and students activity fee funding.

303. A student’s and student organization’s right to expressive association includes the freedom not to associate with, accept as members, or accept as leaders individuals who do not share or who undermine the organization’s mission and message.

304. A religious student organization’s right to free exercise of religion (and those of its members) includes the freedom not to accept as leaders those who do not share its religious beliefs and the political philosophies that flow from them.

305. Defendants’ *Student Organization Policies* and related practices condition “registered” and “recognized” status (and the accompanying resources) on a student organization’s willingness to allow students who do not support its purposes to join as members.

306. Defendants' *Student Organization Policies* and related practices condition "registered" and "recognized" status (and the accompanying resources) on a religious student organization's willingness to allow students who do not share its beliefs (and the political philosophies that flow from them) to serve as its leaders.

307. Defendants have repeatedly applied their *Student Organization Policies* to deny Ratio Christi "registered" status.

308. Defendants' *Student Organization Policies* and related practices violate Plaintiffs' right to be free from unconstitutional conditions.

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

309. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–258 of this Complaint.

310. Defendants' *Student Organization Policies* and related practices are vague because they grant University officials unbridled discretion in deciding whether to grant a student organization registered status (and thus determining the level of access to campus resources and student activity fee funding it should receive).

311. Defendants' *Student Organization Policies* and related practices are vague because they utilize terms that are inherently subjective and elude any precise definition that would be consistent from one official (or student organization) to another when those officials decide whether to grant a student organization recognized status and thus determine the level of access to campus resources it should receive (e.g., determining what constitutes a "political philosophy" and assessing whether a student organization is "closely aligned with the mission of the University," has a "[c]lose affiliation with a department or college as a whole," or "furtheres the interests of the university"). Thus, they give these officials unbridled discretion.

312. Defendants exercised the unbridled discretion granted them under their *Student Organization Policies* when they repeatedly refused to grant Ratio Christi registered status.

313. Defendants' *Student Organization Policies* and related practices are impermissibly vague and ambiguous. Thus, they are incapable of providing meaningful guidance to Defendants and other University officials, and they force students to guess as to whether expression and association that the First Amendment protects is in fact allowed on campus.

314. The lack of criteria, factors, or standards in Defendants' *Student Organization Policies* and related practices renders these policies and practices unconstitutionally vague and in violation of Plaintiffs' right to due process of law under the Fourteenth Amendment.

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

315. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1–258 of this Complaint.

316. Ratio Christi is similarly situated to other student organizations at the University.

317. With respect to Article 10 of the Board of Regents Laws, Ratio Christi is similarly situated to other student organizations within the University of Colorado System.

318. Defendants have granted registered status (and the accompanying benefits) to other student organizations that limit membership to those who support the organizations' mission, but they have refused to grant this status (and these benefits) to Ratio Christi because it has adopted an identical policy.

319. Defendants have recognized student organizations (and given them the accompanying benefits) that limit leadership positions to those who share the organization's beliefs, but they have refused to grant Ratio Christi registered status (and the accompanying benefits) because it has adopted an identical policy.

320. Defendants have granted registered status (and the accompanying benefits) to other student organizations that are violating their *Student Organization Policies*, but they have refused to grant this status (and these benefits) to Ratio Christi because it is allegedly violating these policies.

321. Because Defendants' *Student Organization Policies* and related practices infringe on fundamental rights, discriminatory intent is presumed.

322. Defendants' *Student Organization Policies* have also been applied to discriminate intentionally against Plaintiffs' rights to freedom of expressive association, freedom of speech, right to be free from compelled speech, free exercise of religion, and right to be free from unconstitutional conditions.

323. Defendants' *Student Organization Policies* and related practices are underinclusive, prohibiting some expression and association while leaving other expression and association equally harmful to the University's asserted interests unrestricted.

324. Defendants applied their *Student Organization Policies* and related practices to Ratio Christi in a discriminatory and unequal manner, granting other student organizations registered status (and the accompanying benefits) while denying it that same status (even though it utilizes the same membership and leadership policies as those other organizations), in violation of Plaintiffs' right to equal protection of the laws under the Fourteenth Amendment.

PRAYER FOR RELIEF

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

- A. A declaratory judgment that Defendants' *Student Organization Policies* and related practices violate Plaintiffs' rights under the First and/or Fourteenth Amendments facially and as-applied as delineated above;
- B. A preliminary and permanent injunction prohibiting Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf from enforcing Defendants' *Student Organization Policies* to deny registered or recognized status to:
 1. Ratio Christi because it selects members who support its mission and purposes and leaders who share and will advocate for its religious beliefs; and
 2. A student organization (including, but not limited to, Ratio Christi) because it selects leaders who share and will advocate for its political philosophy;
- C. A preliminary and permanent injunction prohibiting Defendants sued in their official capacities, their agents, officials, servants, employees, and any other persons acting on their behalf from charging Plaintiffs student activity fees in any future semesters so long as the viewpoint discriminatory system created by Defendants' *Student Organization Policies* remains in place;
- D. Compensatory and nominal damages for the violation of Plaintiffs' constitutional rights;
- 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 14th day of November, 2018.

/s/ Travis C. Barham

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* Application for admission *pro hac vice*
to be filed shortly.

Attorneys for Plaintiffs

DEMAND FOR TRIAL BY JURY

Plaintiff demands 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, BRIAN BLEVINS, a citizen of the United States and a resident of the State of Colorado, 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, and that the foregoing statements are based on my personal knowledge (with the exception of those pertaining to Ratio Christi's efforts to gain registered status in 2016 and 2017 because I was not yet involved at that time).

Executed this 13th day of November, 2018, at Colorado Springs, Colorado.


BRIAN BLEVINS
President
Ratio Christi at the University of
Colorado, Colorado Springs

DECLARATION UNDER PENALTY OF PERJURY

I, BRIAN BLEVINS, a citizen of the United States and a resident of the State of Colorado, 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, and that the foregoing statements are based on my personal knowledge (with the exception of those pertaining to Ratio Christi's efforts to gain registered status in 2016 and 2017 because I was not yet involved at that time).

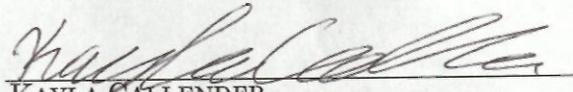
Executed this 13th day of November, 2018, at Colorado Springs, Colorado.


BRIAN BLEVINS

DECLARATION UNDER PENALTY OF PERJURY

I, KAYLA CALLENDER, a citizen of the United States and a resident of the State of Colorado, 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, and that the foregoing statements are based on my personal knowledge.

Executed this 13 day of November, 2018, at Colorado Springs, Colorado.

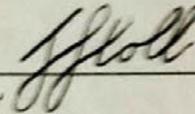

KAYLA CALLENDER

DECLARATION UNDER PENALTY OF PERJURY

I, JOSHUA STOLL, a citizen of the United States and a resident of the State of Colorado, 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, and that the foregoing statements are based on my personal knowledge.

Executed this 13th day of November, 2018, at Colorado Springs, Colorado.

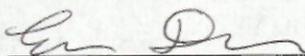
JOSHUA STOLL



DECLARATION UNDER PENALTY OF PERJURY

I, EMILY DANIS, a citizen of the United States and a resident of the State of Colorado, 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, and that the foregoing statements are based on my personal knowledge.

Executed this 13 day of November, 2018, at Colorado Springs, Colorado.



EMILY DANIS