

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

COMMISSIONED II LOVE, SAVANNAH)
STATE UNIVERSITY CHAPTER, a student)
Organization at Savannah State University;)
LARINDA NORWOOD, individually and)
In her capacity as President of Commissioned)
II Love; and SATIN KINSEY-HICKS, individually)
And in her capacity as Vice President of)
Commissioned II Love.)

Plaintiffs,

v.

JULIUS S. SCOTT, JR., in his Official capacity as)
Interim President of Savannah State University,)
CARLTON E. BROWN, individually, RANDY)
GUNTER, individually and in his official capacity)
As Vice President for Student Affairs; IRVIN)
CLARK, individually and in his official capacity as)
Assistant Vice President for Student Affairs; GARY)
OLIVER, individually and in his official capacity as)
Director for Student Programs & Organizations; and)
MARILYN STACEY SUGGS, individually and in)
Her Capacity as a Hearings Officer.)

Defendants.

CIVIL ACTION FILE
NO. CV-

VERIFIED COMPLAINT

Plaintiffs, the Savannah State University Chapter of Commissioned II Love, (“C2L”), Larinda Norwood, and Satin Kinsey-Hicks, by and through counsel, and for their complaint against Defendants, Dr. Julius S. Scott, Jr., Interim President of Savannah State University, Dr. Carlton E. Brown, Dr. Randy Gunter, Dr. Irvin Clark, Gary Oliver, and Marilyn Stacey-Suggs, state as follows:

INTRODUCTION

1. Savannah State University (“SSU”) exclaims in its Student Handbook that “[n]o rights are more highly regarded . . . than the first amendment guarantees of freedom of speech, freedom of expression, and the right to assemble peaceably” and further promises that SSU “will not exclude any person from participation in its programs or activities on the basis of . . . religion. . . .” Instead of upholding the exercise of these Constitutional rights and treating the Plaintiffs without regard to their religion, the Defendants have taken sides amongst students in a campus debate over religious belief and practice by using the power of the state to punish and prohibit C2L, a faith-based association, and its members from exercising their constitutional rights to the free exercise of religion, the freedom of speech, the right to peaceably assemble and to associate. Specifically, the Defendants have punished C2L and its members for ministering to other students, washing one another’s feet, assembling and praying, assembling and worshipping, wearing religious symbols, verbally responding to students who disagree with their religious beliefs and practices, and have permanently and effectively denied C2L and its members from enjoying all the rights, benefits and privileges of recognition as a SSU student organization. Furthermore, the Defendants have effectively prevented and/or chilled C2L and its members from engaging in these constitutionally protected activities.

2. This is a civil rights complaint brought by the Plaintiffs against the named Defendants at SSU for suspending C2L, expelling C2L, punishing C2L and its members for the exercise of their constitutionally protected rights and denying the same. Plaintiffs seek injunctive relief and declaratory relief pursuant to 42 U.S.C. §§ 1983 and 1988.

3. This action is premised on the United States Constitution concerning the deprivation of Plaintiffs’ constitutionally protected rights to the freedom of speech, the free

exercise of religion, freedom to peaceably assemble, and the right to expressive and intimate association.

4. Defendants' actions have deprived and will continue to deprive Plaintiffs of these rights protected by the United States Constitution.

5. Each and every act of Defendants alleged herein was committed under color of state law and authority.

JURISDICTION AND VENUE

6. Plaintiffs bring this civil rights action pursuant to 42 U.S.C. § 1983 and § 1988 for deprivations of Plaintiffs' rights secured by the First and Fourteenth Amendments to the United States Constitution.

7. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1343(a)(3) and 1343(a)(4), which provide for original jurisdiction in this Court of all suits brought pursuant to 42 U.S.C. § 1983. Jurisdiction is also conferred on this Court by 28 U.S.C. § 1331 because the cause of action arises under the Constitution and laws of the United States.

8. This Court has authority to award 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.

9. Venue is proper in this Court 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

10. Plaintiff, C2L is an unincorporated, Christian, student organization at SSU, in Savannah, Georgia. It is the local chapter of the umbrella organization, Commissioned II Love

Outreach Ministries, Inc., (“Outreach Ministries”). C2L has been recognized by SSU as a student organization since it was founded there in October of 2003.

11. Plaintiff, Larinda Norwood is a student at SSU, founder and President of C2L as well as a member.

12. Plaintiff, Satin Kinsey-Hicks is a student at SSU, Vice President of C2L as well as a member.

DEFENDANTS

13. Defendant Julius S. Scott, Jr., the interim President of SSU, a public university organized and existing under the laws of the State of Georgia, is responsible for overseeing campus and administration including its policies and procedures, and is sued in his official capacity.

14. Defendant Carlton E. Brown, the former President of SSU, was responsible for overseeing campus administration including its policies and procedures, and is sued in his individual capacity.

15. Defendant Randy Gunter is the Vice President for Student Affairs at SSU, is responsible for all functions and matters relating to student affairs and services including the policies and procedures for student organizations, oversees and supervises Assistant Vice President for Student Affairs, Irvin Clark, and is sued in both his official and individual capacities.

16. Defendant Irvin Clark is the Assistant Vice President for Student Affairs at SSU, is responsible for assisting Mr. Gunter in all functions and matters relating to student affairs and services including the policies and procedures for student organizations, and is sued in both his official and individual capacities.

17. Defendant Gary Oliver is the Director for Student Programs & Organizations at SSU. Upon information and belief, Mr. Oliver is responsible for all functions and matters relating to student organizations including the implementation of the policies and procedures that govern student organizations, as well as their recognition as SSU student organizations. Mr. Oliver is sued in both his official and individual capacities.

18. Defendant Marilyn Suggs is a faculty member at SSU. On information and belief, Ms. Suggs periodically serves as a hearing officer for administrative hearings conducted by SSU. Ms. Suggs is sued in both her official and individual capacities.

FACTUAL BACKGROUND

A. C2L Mission and History

19. C2L was founded at SSU by Plaintiff Norwood and was officially recognized by SSU's Office of Student Programs & Organizations as an approved student organization in October 2003. See Constitution and Bylaws of Commissioned II Love attached hereto as Exhibit A.

20. As an officially recognized student organization, C2L enjoyed in the past the rights, benefits and privileges that such organizations are given, which include, but are not limited to:

- Facilities for meeting and events
- Promotional and advertising rights and space
- Right to promote and advertise student activities over SSU television channel
- Reservation of meeting space on campus

- Reservations for use of University equipment including cameras, microphones, speakers, lighting, and other audiovisual equipment, as set up and operating services from the University for such equipment
- Opportunity to set up informational/recruitment booths in the Student Center, at Felix Circle, and other places on campus with SSU permission.
- Right to attend weekly Student Government informational meetings for Student Organizations

21. C2L is an evangelical Christian organization. Accordingly, C2L members sincerely believe that the Bible is the inspired word of God, that Jesus Christ is God's Son, that Jesus died and rose from the dead to save mankind, and that Jesus' teachings must be followed in order to live a pure life.

22. Based on their sincerely held religious beliefs, C2L and its members profess that God has called them to share the good news of the death and resurrection of Jesus Christ with all those around them. Moreover, C2L members believe that they must go beyond merely sharing this message by living and modeling a life of purity as revealed in the Bible.

23. Pursuant to these sincerely held religious beliefs, C2L exists for four purposes:

(1) To advance, encourage, strengthen, and uplift the Kingdom of God through the Spirit of Love; (2) To provide a base of unity for other Christians through the promotion of fellowship; (3) To promote the process of purity by the renewing of our minds and lifestyles; and (4) To minister and to reach out to the campus and community by being role models through our lifestyles.

See Exhibit A.

24. C2L's purposes are further embodied in its colors, which are navy blue, powder blue, silver, and white. Navy blue symbolizes God's authority. Powder blue reminds C2L members to look to the heavens. Silver represents the process of purity and White denotes

purity, light and faith. In addition to these colors, C2L clothing contains various religious symbols including a cross, a royal crown, a Bible verse, and/or a person kneeling in prayer.

25. In accordance with its purposes, C2L has adopted the following mission statement: “To advance, encourage, and uplift the kingdom of God through love by ministering and reaching out to the student body and beyond. We will help lead others to Christ by being role models through our lifestyle.”

26. C2L advances this mission through a variety of activities including, but not limited to the following: Bible studies, evangelistic outreaches, accountability groups, fellowship retreats, prayer gatherings, and the “Process of Purity.”

27. To minister to those students who want to give their lives to God and to join the organization, C2L offers “Process of Purity” classes for one month each semester. These classes are open to the entire student body.

28. The Process of Purity consists of weekly Bible studies taught by outside ministers and C2L leaders on various topics including salvation, prayer, praise, worship, spiritual warfare, and the family of Christ. The goal of the Process of Purity is to teach students the basics of the Christian faith so that they would mature in their relationship with God and become equipped to minister to other students on campus.

29. A student who has completed the Process of Purity is eligible to become a member of C2L if (1) he accepts Jesus Christ as Lord and Savior, and (2) after extensive prayer, both he and the C2L leadership sense that God is calling him to join C2L.

30. Every semester, C2L holds a retreat weekend to celebrate new members. This event is traditionally held at a beach where the current and new C2L members enjoy a time of fellowship, prayer, worship, and performance of other religious practices.

31. During the retreat, it is customary for the current members of C2L to wash the feet of the new members as a sincerely held religious belief and practice. C2L and its members believe that this act is symbolic of Jesus Christ's washing of the apostles' feet as recounted in John 13:1-17, and further, that it serves as a symbol of purity, a charge to share the gospel, and an act of service to others. However, footwashing is not a condition of gaining membership, status, or acceptance into C2L or holding an office. The new members are also given new spiritual names from the scriptures and are commissioned to share the love of Jesus Christ with others.

32. On or about December 10, 2005, C2L held its retreat weekend at Tybee Island following the completion of the 2005 Fall Semester of the Process of Purity.

33. During the weekend, C2L members went swimming in the Atlantic Ocean. Later in the evening, current C2L members washed the feet of the new members, in accordance with their sincerely held religious beliefs.

34. Mr. Xavier Coombs, a student at SSU, voluntarily and willingly participated in both the swimming and foot washing. Specifically, Mr. Coombs had his feet washed at the Spring 2005 retreat and washed the feet of new members at the Fall 2005 Retreat.

B. Conflict Over C2L's Religious Message And Practices

35. In accordance with its mission statement, purposes, and sincerely held religious beliefs, C2L members actively minister on campus and seek opportunities to convert students to Christianity and challenge other Christian students to live a life of purity. Such outreach efforts include one-on-one discussions with fellow students as well as group presentations.

36. One of C2L's primary group outreach tools has been its "Biblical Perspectives" series. These presentations address current topics for college students such as sexuality, drug use, and fraternity/sorority life from a biblical point of view.

37. C2L's best known outreach is its "Biblical Perspectives on Greekdom" ("BPOG"), which it holds in the fall and spring of each year. At BPOG presentations, guest speakers compare Greek culture with the principles and teachings in the Bible. The BPOG guest speakers teach that Greek letter organizations contravene Christian principles because they were founded on occultic traditions, and generally encourage excessive drinking and premarital sexual activity. Further, the guest speakers encourage students either not to join Greek letter organizations or to deactivate their membership if they are already members in such organizations. In the past, each BPOG event drew nearly a hundred students.

38. Certain SSU students, who have disagreed with C2L's outreach efforts, have actively moved to silence the organization and its members by requesting SSU to use its official power to suspend and expel C2L from campus and ban members from practicing their sincerely held religious beliefs.

39. On or about March 2006, Mr. Desi Campbell, a student of SSU and a member of the Alpha Phi Alpha fraternity, a Greek letter organization, began circulating a petition with the following heading:

This is a petition to either get C2L to stop harassing people or to be put off campus. Please sign if this group has either offended you in any way or you feel that they are taking the role of Christianity and the idea of real ministry out of context. They have now moved from ministry to badgering. Please help stop this cult like mentality.

40. On information and belief, Mr. Campbell was employed by SSU to serve as an assistant in the computer lab at SSU. In an effort to get more signatures on the Petition, Mr.

Campbell regularly placed the Petition right next to the sign up sheet at the entrance of the computer lab.

41. Allegedly, approximately 150 students signed the Petition.

42. At around the same time, on information and belief, Mr. Campbell and Mr. Coombs also started a movement on Facebook.com to remove C2L from campus. Previously, Mr. Coombs had left C2L because of disagreements with the organization.

43. Facebook.com is a social utility made up of many networks that allows registrants to share information with one another on the internet. Only persons who are registered members of the same network may communicate with one another. SSU has a Facebook.com network whereby members of the University community can communicate with one another.

44. On information and belief, Mr. Coombs and Mr. Campbell created a Facebook.com profile on the SSU network entitled, "Ban the So Called Saints" that was made up of at least twelve other SSU students. On this profile, Mr. Campbell and Mr. Coombs posted the Petition and encouraged students to help them ban C2L from campus. The profile was quickly removed from Facebook.com once C2L members discovered it.

45. On or about the middle of March 2006, C2L began advertising its Spring Semester production of BPOG by posting flyers around campus and by running a promotional on SSU's Television channel. C2L reserved the Auditorium in the Student Union for the event and planned on using the sound equipment that accompanied the auditorium. The event was scheduled to take place on April 21-22, 2006.

46. On or about April 6, 2006, Mr. Campbell filed a complaint with the SSU Police Department alleging that C2L members engaged in "practices that are not unlike [that] of a cult" such as "bapti[sms]" and "foot washing." Mr. Coombs, who served as a witness to the

complaint, alleged that C2L called him names and told him that “he needs to be saved.” See 4/6/06 Incident Report attached hereto as Exhibit B.

47. Both Mr. Coombs and Mr. Campbell told the Police that “anyone who has different views from [C2L] is ostracized.” Mr. Campbell stated to the Police that he had a Petition with over 150 signatures of persons who “dislike” C2L. See 4/6/06 Incident Report attached hereto as Exhibit B. On information and belief, Mr. Campbell submitted the Petition to the Police along with the complaint.

C. Immediate Suspension

48. On April 10, 2006, four days after the Police report was filed, Defendant Clark issued a “Preliminary Conference Summons” (“Summons”) to Ms. Norwood, via hand delivery, ordering her to attend a preliminary conference the next day at 10:00 a.m. The conference was later rescheduled.

49. The Summons charged C2L with Level I.1 Zero Tolerance Misconduct (Assault, Harassment & Fighting) and Level I.2 Zero Tolerance Misconduct (Hazing) under the SSU Code of Student Ethics. See Summons attached hereto as Exhibit C.

The Student Code of Ethics states in relevant part:

Level I: “Zero Tolerance Misconduct”

Level I offenses are very serious violations of the Code of Student Ethics. The University takes a zero tolerance approach to students who violate these standards. Violating the standards of conduct in this area, as a first offense, will result in a sanction of either suspension or permanent expulsion from the University:

1. Assault, Harassment, and Fighting:

Students are subject to disciplinary action for harassing, threatening, . . . intimidating, coercing, or using physical force in a manner which causes another person of the University community . . . to be reasonably apprehensive or which endangers the health or safety of oneself or another person. Harassing, assaulting, stalking, intimidating, threatening, or abusing another person by written, electronic, pictorial or oral communication or suggestions is prohibited.

2. Hazing:

Students are subject to disciplinary action for engaging in hazing as defined by State of Georgia law. According to the Georgia Law Enforcement Handbook, particularly 16-5-61 . . . :

‘It shall be unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office or other status in a school organization. Any person who violates this Code section shall be guilty of a misdemeanor of a high and aggravated nature. . . .’

‘Haze’ means to subject a student to an activity which endangers or is likely to endanger the physical health of a student, regardless of a student’s willingness to participate in such activity.

See Code of Student Ethics, P. 43 attached hereto as Exhibit D.

50. Level I offenses are the most serious offenses that can be charged against an SSU student under the Code of Student Ethics.

51. The Summons further stated that:

ALL ACTIVITIES by Commission 2 Love are **TEMPORARILY SUSPENDED** until such time the preliminary hearing is completed and all investigative and adjudicatory processes are fully adjudicated; sanctions rendered; and the appeal processes exhausted as prescribed in the 2005-2006 Student Handbook.

See Exhibit C.

52. Finally, the Summons forbade C2L members from contacting Mr. Campbell or Mr. Coombs. See Exhibit C.

53. A “suspension” constitutes the second highest sanction available under the SSU Code of Student Ethics. The Code of Student Ethics defines a Suspension in the following manner:

Separation from the University for a stated period of time, with conditions of readmission stated in the notice of suspension. Students who are suspended from the University shall be denied access to the institution, including its facilities,

grounds, residence halls, activities, or privileges for which the student might otherwise be eligible.

See P. 54, Exhibit D.

54. The Code of Student Ethics only allows a student to be subject to sanctions “[u]pon a determination that a student has violated the Code of Student Ethics” See P. 53, Exhibit D. Furthermore, the Code of Student Ethics states that “[s]tudents will be presumed not responsible until proven otherwise by a preponderance of evidence.” See P. 52, Exhibit D.

55. Defendant Clark ignored these requirements and immediately punished C2L with the second most severe sanction available without a prior determination that C2L had committed any violations. Moreover, Defendant Clark imposed these sanctions against the entire C2L organization and its members even though the charges expressly apply only to individual “students” and not “student organizations.”

56. On information and belief, Defendant Clark took these actions against C2L with the knowledge and/or approval of Defendants Brown, Gunter, and Oliver.

57. Through the suspension, Defendants completely denied C2L access to SSU, and suspended its rights, benefits and privileges as a student organization. Accordingly, Defendants closed all channels of communication through which C2L or its members might fulfill its mission, recruit new members on campus, and further its purposes.

58. As a result of the suspension, C2L was forced to hold its BPOG off campus at a local church. Thus, C2L was not able to fulfill its mission and purposes with regard to its intended audience of SSU students as it had done so in the past.

D. Denial of Prayer and Assembly

59. On or about April 20, 2006, approximately fifteen C2L members, including Plaintiff Kinsey-Hicks, gathered to walk and pray together on campus. Defendant Gunter

instructed the SSU Police to stop C2L from assembling and praying together. SSU Police Officers Lucious Simmons and Ebony Glover confronted the group and ordered them to stop praying and assembling because of their affiliation with C2L. See 4/20/06 Supplemental Incident Report attached hereto as Exhibit E.

60. On information and belief, Defendant Gunter took this action against C2L with the knowledge and/or approval of Defendants Brown, Clark, and Oliver.

E. Interim Suspension

61. On or about April 25, 2006 Defendant Suggs presided over the hearing in the matter of Savannah State University v. Commissioned II Love. However, Defendant Clark actively intruded into the hearing process with the consent of Defendant Suggs and unduly influenced the hearing process by, among other things, usurping the hearing officer's role, framing issues to be addressed and those that would not be addressed, and interjecting his own view of the facts.

62. On or about May 1, 2006, Defendant Suggs issued her final report and distributed it to Defendants Brown, Gunter, and Clark. In her report, Defendant Suggs based her final decision on the following:

- (1) An incident where a "verbal altercation" occurred between Ms. Norwood and Mr. Campbell;
- (2) the signed Petition circulated by Mr. Campbell;
- (3) the phone call between Ms. Green and Mr. Coombs' parents;
- (4) an incident where Ms. Norwood told Mr. Coombs to, "Shut [his] mouth";
- (5) Mr. Coombs' act of washing the feet of another C2L member; and
- (6) Mr. Coombs' act of jumping into the Atlantic Ocean.

See Final Report attached hereto as Exhibit F.

63. Based on this information, Defendant Suggs made the following findings in her final report:

- (1) “cause of concern” that C2L’s contact with Mr. Campbell and Mr. Coombs caused them to be “reasonably apprehensive”;
- (2) “cause of concern” with the process voluntarily submitted to by Mr. Coombs—the footwashing and jumping in the ocean—as part of his membership in C2L; and
- (3) “cause of concern” with C2L’s leadership and its affiliation with an overseeing, outside minister.

See Exhibit F.

64. Based on these findings, Defendant Suggs imposed sanctions on C2L including suspension through January 2007, community service, and probation. Furthermore, under the suspension, C2L was prohibited from the following:

- (1) conducting any activities;
- (2) congregating;
- (3) wearing its paraphernalia;
- (4) soliciting membership; or
- (5) participating in “meetings, step shows, or other ‘underground activities’ on campus or off campus”

See Exhibit F.

65. Moreover, Defendant Suggs’ sanctions required C2L to amend its Constitution to “demonstrate[e] [its] commitment to University policies and procedures,” even though said Constitution was never found to be in violation of any SSU policies and/or procedures. See Exhibit F.

66. On information and belief, Defendants Brown, Gunter, Clark and Oliver had knowledge of and/or approved the final report and the sanctions imposed on C2L.

67. Through these sanctions, Defendants went far beyond simply removing C2L’s ability to function as a recognized student organization on campus. Effectively, these sanctions cut off C2L’s and its members’ ability to practice their beliefs, such as prayer, footwashing, assembly, converting new members, fulfilling its mission and purposes, and responding to students who did not agree with C2L and its members’ beliefs and practices.

F. Expulsion

68. On May 8, 2006, C2L appealed the decision of Defendant Suggs to Defendant Gunter.

69. On or about September 8, 2006, members of C2L as well as non-members took a weekend trip to Orlando, Florida to partake in Walt Disney's Night of Joy contemporary Christian music event at which prayer, worship, and singing of religious music were going to take place.

70. On the day the group was scheduled to depart, Defendant Clark contacted Ms. Norwood by phone and instructed her to immediately cancel the trip because of the suspension. Ms. Norwood informed Defendant Clark she would not cancel the trip because it was an off-campus event not affiliated with the C2L student chapter and was thus not subject to the suspension.

71. On or about September 11, 2006, Defendant Clark issued an "Organization Expulsion Notification" ("Expulsion") to C2L, via hand delivery, which immediately expelled and deactivated C2L permanently from SSU on the grounds that it had violated the terms of its suspension. See Expulsion attached hereto as Exhibit G.

72. Expulsion is the most severe sanction available in the Student Code of Ethics. The Code of Student Ethics defines expulsion in the following manner:

Permanent Separation from the University. Students who are expelled from the University shall be denied access to the institution, including its facilities, grounds, residence halls, activities, or privileges for which the student might otherwise be eligible.

See P. 54, Exhibit D.

73. On information and belief, Defendants Brown, Gunter, and Oliver knew of and/or approved this sanction imposed on C2L.

74. On September 15, 2006, C2L appealed both the expulsion and the underlying suspension to Defendant Gunter on the grounds that the actions taken against C2L and its members violated its members' civil and constitutional rights, there was a failure to follow procedure, the findings were not supported by substantial evidence, there was demonstrated bias against C2L, and that the sanctions imposed were excessive.

75. On September 28, 2006 Defendant Gunter scheduled an appeal hearing and held the appeal hearing on that same day in the absence of C2L.

76. Ms. Norwood heard about the appeal hearing for the first time from C2L's faculty advisor on September 28, 2006.

77. Defendant Gunter denied all of C2L's grounds for appeal and affirmed the suspension and expulsion in all respects. Defendant Gunter did not address C2L's allegations that its constitutional rights had been violated.

78. On information and belief, Defendants Brown, Clark and Oliver knew of and/or approved the decision issued by Defendant Gunter.

79. On October 9, 2006, C2L appealed Defendant Gunter's decision to Defendant Brown and reiterated its previous grounds for appeal.

80. On or about October 30, 2006, Defendant Brown held a hearing on C2L's appeal.

81. On December 18, 2006, Defendant Brown issued a decision affirming in all respects the expulsion and deactivation of C2L. Said decision became the official policy of SSU.

82. Effective January 1, 2007, Defendant Scott, became the new Interim President of SSU. As President, he is in charge of administering and enforcing SSU policy, including but not limited to the official policy suspending, expelling and deactivating C2L.

ALLEGATIONS OF LAW

83. Defendants have violated the constitutional rights of the Plaintiffs by punishing C2L and its members for footwashing, praying and assembling, ministering to other students, speaking out in response to students who disagree with their message, worshipping and assembling, and have effectively prohibited and/or chilled these actions along with the suspension and expulsion of C2L as a recognized SSU student organization denying it and its members all the rights, benefits, and privileges of such status and extinguishing its ability to associate, fulfill its mission and purpose, or wear its religious symbols.

84. These intentional and knowing actions of the Defendants are illegal under the Free Exercise Clause of the First Amendment. The right to the Free Exercise of Religion is clearly established by governing legal authority, and Defendants' violations are knowing, intentional and without justification. So long as these actions continue to go unpunished, the Defendants are causing ongoing and irreparable harm to Plaintiffs.

85. These intentional and knowing actions of the Defendants are illegal under the Free Speech Clause of the First Amendment. The right to the Freedom of Speech is clearly established by governing legal authority, and Defendants' violations are knowing, intentional, and without justification. So long as these actions continue to go unpunished, the Defendants are causing ongoing and irreparable harm to Plaintiffs.

86. These intentional and knowing actions of the Defendants are illegal under the Assembly Clause of the First Amendment. The right to Peaceable Assemble and the rights to expressive and intimate association are clearly established by governing legal authority, and Defendants' violations are knowing, intentional and without justification. So long as these actions continue to go unpunished, the Defendants are causing ongoing and irreparable harm to Plaintiffs.

87. All of the alleged acts of Defendants , Scott, Brown, Gunter, Clark, Oliver, and Suggs, including their officers, agents, servants, employees or persons acting at their behest or direction were done and are continuing to be done under color of state law and pursuant to policies and/or customs established by SSU through Defendants.

88. Unless and until Defendants' actions are enjoined, C2L and its members will suffer and continue to suffer irreparable harm to their rights of free exercise of religion, free speech, and free association.

FIRST CAUSE OF ACTION

Violation of Plaintiffs' First Amendment Right to Free Exercise of Religion

89. Plaintiffs repeat and reallege each of the foregoing allegations in this complaint.

90. By punishing C2L and its members for footwashing, ministering to students, worshipping and assembly, by suspending C2L and permanently expelling and deactivating C2L from SSU, as well as prohibiting such practices by C2L and its members, Defendants by policy and practice have prohibited and denied Plaintiffs of their right to free exercise of religion.

91. Defendants, acting under color of state law, and according to policy and practice, have explicitly and implicitly discriminated on the basis of religion and prohibited and deprived Plaintiffs of their clearly established right to free exercise of religion secured by the First Amendment to the United States Constitution.

92. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. Plaintiffs are therefore entitled to equitable relief.

93. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a permanent injunction and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

SECOND CAUSE OF ACTION

Violation of Plaintiffs' First Amendment Right to the Freedom of Speech

94. Plaintiffs repeat and reallege each of the foregoing allegations in this complaint.

95. By punishing C2L and its members for ministering to students, worshipping and assembling and speaking out in response to students who disagree with them, by suspending C2L, and permanently expelling and deactivating C2L from SSU, as well as prohibiting such activities, Defendants by policy and practice have abridged and denied Plaintiffs of their right to free speech at SSU.

96. Defendants, acting under color of state law, and according to policy and practice, have explicitly and implicitly discriminated on the basis of content and viewpoint and abridged and deprived Plaintiffs of their clearly established right to the freedom of speech secured by the First Amendment to the United States Constitution.

97. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. Plaintiffs are therefore entitled to equitable relief.

98. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a permanent injunction and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

THIRD CAUSE OF ACTION

Violation of Plaintiffs' First Amendment Right to Peaceably Assemble, Intimate Association and Expressive Association

99. Plaintiffs repeat and reallege each of the foregoing allegations in this complaint.

100. By punishing C2L and its members for footwashing, ministering to students, worshipping and assembling, by suspending C2L and permanently expelling and deactivating C2L from SSU, as well as prohibiting such practices, Defendants by policy and practice have denied Plaintiffs of their right to peaceably assemble, and intimate and expressive association.

101. Defendants, acting under color of state law, and according to policy and practice, have expressly and implicitly prohibited, abridged and denied Plaintiffs from assembling and associating intimately and expressively, depriving Plaintiffs of their clearly established right to free assembly and association secured by the First Amendment to the United States Constitution.

102. Because of Defendants' actions, Plaintiffs have suffered, and continue to suffer, irreparable harm. Plaintiffs are therefore entitled to equitable relief.

103. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a permanent injunction and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court order the following relief:

- (1) A declaration that Defendants' actions and sanctions, including punishing and prohibiting footwashing, prayer and assembly, worship and assembly, speaking out against students who disagree with C2L, suspension, expulsion, and termination of C2L as a student organization and its attendant rights, privileges, benefits, and incidents, is unconstitutional as applied against Plaintiffs;
- (2) A preliminary and permanent injunction enjoining Defendants from denying to C2L recognized student organizational status at SSU; enforcing its sanctions against Plaintiffs, C2L or its members; and prohibiting Defendants, their employees officers and agents, and all persons acting by and through them, from withholding the rights, privileges, benefits, or incidents of recognized student organizational status from C2L and from retaliating against Plaintiffs or other C2L members directly or indirectly for exercising their constitutional rights;
- (3) An award of nominal damages;

- (4) An award of reasonable costs and attorneys' fees incurred by Plaintiffs in prosecuting this action pursuant to 42 U.S.C. § 1988;
- (5) That this Court retain jurisdiction over this case for the purposes of enforcement of any order; and
- (6) Such other and further relief as the Court deems proper and just under the circumstances.

Respectfully submitted, this _____, day of February 2007.

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