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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

LA CV 14 05104-RSWL-RZx

VINCENZO SINAPI-RIDDLE,

Plaintiff,

v.

CITRUS COMMUNITY COLLEGE
DISTRICT, DR. GERALDINE
PERRI, ARVID SPOR, MARTHA
MCDONALD, ADRIENNE
THOMPSON, and DOE
DEFENDANT 1

Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
AND DAMAGES**

FILED
2014 JUL -1 AM 11:42
CLERK OF SUPERIOR COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

1 Plaintiff Vincenzo Sinapi-Riddle (“Sinapi-Riddle”) complains of Defendants
2 and alleges:
3

4 I. INTRODUCTION

5 1. Each year on September 17, the United States celebrates “Constitution
6 Day” to commemorate the anniversary of the Constitution’s signing in 1787. On
7 Constitution Day 2013, however, Vincenzo Sinapi-Riddle received a very different
8 lesson, as a Citrus College official threatened to have him removed from campus for
9 asking another student to sign a petition outside of the College’s “Free Speech
10 Area.”
11
12

13 2. Although the Supreme Court has made clear that “state colleges and
14 universities are not enclaves immune from the sweep of the First Amendment,”
15 *Healy v. James*, 408 U.S. 169, 180 (1972) , the Citrus Community College District
16 (“Citrus College”) acts as though it is exempt from constitutional commands. In
17 2003, the College entered a binding agreement to settle a First Amendment lawsuit
18 and to abandon an unconstitutional policy that limited free expression to miniscule
19 parts of campus, ironically called the “Free Speech Area.” Notwithstanding this
20 agreement, and in violation of the First Amendment, the Citrus College Board of
21 Trustees approved a nearly-identical policy in 2013 that again limited free
22 expression to a small area comprising 1.37% of the entire campus. Citrus College
23 also has adopted and enforces other regulations that severely limit free speech,
24 including a policy that requires student organizations to get approval before they
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1 may hold or publicize events, and a vague and standardless anti-“harassment”
2 policy that enables officials to punish any speech deemed “inappropriate” or
3 “offensive.”
4

5 3. By adopting and enforcing restrictive speech policies, including one
6 the college previously acknowledged was unconstitutional, Defendants have
7 demonstrated that “[t]he first danger to liberty lies in granting the State the power”
8 to limit freedom of expression in contravention of the “background and tradition of
9 thought and experiment that is at the center of our intellectual and philosophic
10 tradition.” *Rosenberger v. Rector and Visitors of the University of Virginia*, 515
11 U.S. 819, 835 (1995). Plaintiff Sinapi-Riddle is asking this Court – once again – to
12 instruct Citrus College that public educational institutions have a moral and legal
13 obligation to foster, not suppress, freedom of expression because “[t]he vigilant
14 protection of constitutional freedoms is nowhere more vital than in the community
15 of American schools.” *Healy v. James*, 408 U.S. at 180.
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19

20 4. This civil rights action therefore seeks to protect and vindicate the First
21 and Fourteenth Amendment rights of Plaintiff Sinapi-Riddle and his fellow students
22 at Citrus College. This action seeks declaratory and injunctive relief, damages, and
23 attorney’s fees. The District’s policies and enforcement practices are challenged on
24 their face and as applied.
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1 **II. JURISDICTION AND VENUE**

2 5. This action arises under the United States Constitution, particularly the
3 First and Fourteenth Amendments, and the Civil Rights Act, 42 U.S.C. §§ 1983 and
4 1988.
5

6 6. This Court has original jurisdiction over these federal claims pursuant
7 to 28 U.S.C. §§ 1331 and 1343.
8

9 7. This Court has authority to grant the requested declaratory judgment
10 pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.
11

12 8. This Court has authority to issue the requested injunctive relief
13 pursuant to 42 U.S.C. § 1983 and Federal Rule of Civil Procedure 65.

14 9. This Court has authority to award attorney’s fees and costs pursuant to
15 42 U.S.C. § 1988.
16

17 10. Venue is proper in the United States District Court for the Central
18 District of California pursuant to 28 U.S.C. § 1391(b) because the events giving rise
19 to the instant claim occurred within this District and because at least one Defendant
20 resides in this District.
21

22 **III. PLAINTIFF**

23 11. Plaintiff Sinapi-Riddle is a resident of West Covina, California, who is
24 presently a student at Citrus College. Sinapi-Riddle is the president of the Citrus
25 College chapter of Young Americans for Liberty, a “pro-liberty organization on
26
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28

1 America's college campuses" that has "more than 500 YAL chapters and 162,000
2 youth activists nationwide." See <http://www.yaliberty.org/about>.

3 4 **IV. DEFENDANTS**

5 12. Defendant Citrus Community College District, a public community
6 college district organized and existing under the laws of the State of California, is
7 one of 72 community college districts in the State and has the capacity to sue and be
8 sued. This District includes the Azusa, Glendora, Claremont, Duarte, and Monrovia
9 school districts. Citrus College is the legal and political entity responsible for the
10 actions of its officials, including the campus presidents and their designees. The
11 College is sued in its own right and on the basis of the acts of its officials, agents,
12 and employees, which were taken pursuant to the school's custom and policy.

13 13. Defendant Dr. Geraldine M. Perri serves as Superintendent and
14 President of Citrus College. She is responsible for administration and
15 policymaking, including the policies and procedures that were applied to deprive
16 Plaintiff of his constitutional rights. Defendant Perri acquiesced in, sanctioned, and
17 supported the actions of Defendants Spor, McDonald, Thompson, and Doe
18 Defendant 1 in enforcing these policies against the Plaintiff. Defendant Perri acted
19 under color of state law when she violated Sinapi-Riddle's constitutional right to
20 free expression. Defendant Perri is sued in her official capacity.

21 14. Defendant Arvid Spor is, and was at all times relevant to this
22 Complaint, the Vice President of Student Services at Citrus College. On June 19,
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1 2013, Defendant Spor was named Interim Vice President for Academic Affairs.
2 Defendant acted under color of state law and is responsible for enactment and
3 enforcement of College policies, including the policies and procedures that were
4 applied to deprive Plaintiff of his constitutional rights. Defendant Spor is sued in
5 his official capacity.
6

7
8 15. Defendant Martha McDonald is, and was at all times relevant to this
9 Complaint, Interim Dean of Students at Citrus College. Defendant McDonald acted
10 under color of state law when she oversaw and enforced the policies and procedures
11 that were applied to deprive Plaintiff of his constitutional rights. Defendant
12 McDonald is sued in her official capacity.
13

14 16. Defendant Adrienne Thompson is, and was at all times relevant to this
15 Complaint, Director of Student Life and Leadership at Citrus College. Defendant
16 Thompson acted under color of state law when she applied Citrus College policies
17 to violate Plaintiff's and others' constitutional rights. Defendant Thompson is sued
18 both in her individual and official capacities.
19
20

21 17. Doe Defendant 1 is, and was at all times relevant to this Complaint, a
22 campus administrator at Citrus College. Doe Defendant 1 acted under color of state
23 law when he threatened to have Plaintiff "kicked off campus" on Constitution Day
24 in 2013. Doe Defendant 1 is sued both in his individual and official capacities.
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V. STATEMENT OF FACTS

A. Citrus College's History of Disregard for the First Amendment

18. This case is rooted in events that began more than a decade ago. On May 19, 2003, Christopher Stevens, then a student at Citrus College, filed suit in this Court seeking injunctive and declaratory relief that the Citrus College's speech policy then in force was unconstitutional and violated his First Amendment rights. Compl., *Stevens v. Citrus Community College District*, No. 2:03-cv-03539 (filed May 20, 2003).

19. The policy challenged in *Stevens* restricted expressive activities to three small areas of campus and required students to sign in with campus security before attempting to express their views. In addition, campus security had to approve any materials that students planned to distribute. The policy also restricted the amount of time a student could spend in this "Free Speech Area" on a daily basis, as well as in the aggregate.

20. Rather than defend this unconstitutional policy, the Citrus College Board of Trustees rescinded it on June 5, 2003 — less than a month after the suit was filed and the day before a scheduled show cause hearing before this Court. On August 12, 2003, Citrus College settled the case by agreeing to revise its policies and pay the Plaintiff's attorney fees.

21. On information and belief, the Citrus College Board of Trustees adopted various policies governing expression on campus following the 2003

1 settlement and before 2013. Citrus College developed at least one new policy that
2 was implemented in the spring of 2004, which allowed public demonstrations
3 anywhere on campus as long as they did not exceed a threshold of 60 decibels, the
4 volume of a conversation between people a meter apart.
5

6 22. The spring 2004 policy was criticized in the media and, on information
7 and belief, was also abandoned.
8

9 23. In January 2010, the Trustees approved Administrative Policy 5550
10 that designated the College a non-public forum “except for designated areas
11 generally available to students and the community,” which were deemed limited
12 public forums.
13

14 24. The Board revised its “Speech: Time, Place, and Manner” regulation
15 again on February 5, 2013. The revised policy – which remains in force today –
16 allows for student expression in only one limited area on campus.
17

18 25. By limiting spontaneous expression to one small area, Citrus College
19 has readopted in essence the unconstitutional policy it abandoned in 2003.
20

21 26. The currently designated “Free Speech Area” is located in the space set
22 forth in the 2003 policy as the “Primary Area,” but is somewhat larger than the area
23 specified in the previous policy. However, two other areas that were available in
24 2003 are not included in the current policy. *See* Campus Map, Ex. A.
25

26 27. The College has many open areas and sidewalks beyond the Free
27 Speech Areas where student expressive activity, including collection of petition
28

1 signatures, would not interfere with or disturb access to College buildings or
2 sidewalks, impede vehicular or pedestrian traffic, or in any way substantially
3 disrupt the operations of campus or the College's educational functions.
4

5 **B. Citrus College's Enforcement of Its Unconstitutional Policies**

6 28. On September 17, 2013, Constitution Day, Sinapi-Riddle decided to
7 use the Free Speech Area to gather signatures for a petition urging the Citrus
8 College student government to condemn spying by the National Security Agency.
9

10 29. Sinapi-Riddle briefly left the Free Speech Area to go to the Student
11 Center. While walking past the Educational Development Center ("ED Building"),
12 he noticed a another student walking towards him who appeared interested in the
13 t-shirt he was wearing, which read "Don't Tread on Me," a slogan used on the
14 Culpeper battle flag during the American Revolution. Still outside the "Free
15 Speech Area," Sinapi-Riddle engaged his fellow student in conversation and the
16 two discussed his petition.
17
18

19 30. At that time, Doe Defendant 1 emerged from the ED Building to
20 confront the students and told Sinapi-Riddle that Citrus College free speech
21 regulations prohibit such political discussion outside of the "Free Speech Area."
22 Doe Defendant 1 also warned the students that he had the authority to eject Sinapi-
23 Riddle from campus for violating the school's policy.
24
25

26 31. Sinapi-Riddle ended the conversation and returned to the "Free Speech
27 Area" because he was afraid he would be removed from campus if he challenged
28

1 Doe Defendant 1's unconstitutional directive. The actions by Doe Defendant 1
2 generally have caused Sinapi-Riddle to refrain from expressing his beliefs on
3 campus outside of the Free Speech Area for fear of being punished under College
4 policies.
5

6 32. In March 2014, Sinapi-Riddle joined other students in the Free Speech
7 Area to protest a proposed amendment to the Citrus College student government
8 constitution that would add the commissioner of the Inter-Club Council to the
9 Associated Students of Citrus College Executive Board. As part of their protest,
10 Sinapi-Riddle and others displayed a satirical poster referencing both the children's
11 television show "My Little Pony" and the Communist Party to criticize what they
12 viewed as manipulation of the student government to force through a constitutional
13 referendum.
14
15
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17 33. Defendant Adrienne Thompson, Citrus College's Director of Student
18 Life and a student government adviser, saw the group with the poster and told
19 Sinapi-Riddle and the others that the poster violated copyright laws and threatened
20 that the College would sue the students if they did not remove it.
21

22 34. On information and belief, Citrus College does not own the copyright
23 to the "My Little Pony" character or to the logo of the Communist Party, as
24 Defendant Thompson implied.
25

26 35. By threatening to report the students to Citrus College's legal
27 department for copyright violation, Defendant Thompson attempted to intimidate
28

1 Sinapi-Riddle and his fellow students and censor their protest of the student
2 government referendum.

3
4 **C. Adoption of Current Policies**

5 36. Citrus College promulgates Policies and Administrative Procedures
6 pursuant to Cal. Educ. Code §§ 66300 and 70902.

7
8 37. On February 5, 2013 the Board approved the current version of a
9 policy that regulates speech at Citrus College.

10 38. Board Policy 3900 (“BP 3900”) (formerly policy BP 5550), titled
11 “Speech: Time, Place & Manner,” provides that “[t]he District is considered a non-
12 public forum, except for those areas of the college that are designated as areas
13 generally available for use by students or the community, which are designated
14 public forums.” Ex. B. BP 3900 also establishes that “[t]he
15 Superintendent/President shall enact such administrative procedures as are
16 necessary to reasonably regulate the time, place, and manner of the exercise of free
17 expression in the designated public forums.”
18
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21 39. In addition to BP 3900, the College adopted and published
22 Administrative Policy 3900 (“AP 3900”), which states: “The students and
23 employees of the District and members of the public shall be permitted to exercise
24 their rights of free expression subject to the time, place, and manner policies and
25 procedures contained in Board Policy 3900 and these procedures.” Ex. C.
26
27
28

1 40. AP 3900 also states: “The college is a non-public forum, except for the
2 following area (referred to herein as the Free Speech Area), which is reserved for
3 expressive activities that are lawful and do not otherwise violate District policy: the
4 area marked on the attached campus map, which is commonly referred to as the
5 quad and comprised of the grassy areas and walkways south of Hayden Library
6 (LI); west of Lecture Hall (LH); north of Campus Center (CC), Owl Bookshop
7 (BK), and the Liberal Arts/Business building (LB); and east of the flagpole that is
8 positioned north of the Liberal Art/Business building (LB) and south of the
9 Administration building (AD).” *See* Campus Map, Ex. A.
10
11
12

13 41. AP 3900 confines all spontaneous expression to this one small area of
14 the campus.
15

16 42. AP 3900 also limits the distribution of “petitions, circulars, leaflets,
17 newspapers, and other printed matter” to the “Free Speech Area.”
18

19 43. The Citrus Campus is 104 acres and the Free Speech Area is 1.34
20 acres, meaning that 1.37% of the Citrus College is available to students and faculty
21 for free expression.
22

23 44. Under AP 3900 “[t]he District reserves the right to revoke that
24 designation and apply a non-public forum designation. The District reserves the
25 right to designate areas as non-public forums as necessary to prevent the substantial
26 disruption of the orderly operation of the college. All areas of the college not
27 described above are non-public forums.”
28

1 45. These policies have a chilling effect on Sinapi-Riddle’s rights, and
2 those of all other students to engage freely and openly in expressive activities,
3 including solicitation of petition signatures.
4

5 46. Sinapi-Riddle wishes to engage in expressive activities, including
6 circulating petitions, on campus without being limited to a miniscule area of Citrus
7 College, but he has not done so since being admonished by Doe Defendant 1 on
8 September 17, 2013, for fear of disciplinary action.
9

10 **D. Restrictions on Student Organizations**
11

12 47. Sinapi-Riddle is president of the Citrus College chapter of Young
13 Americans for Liberty. The Citrus College YAL chapter is a Registered Student
14 Organization at Citrus College and is thus subject to Administrative Policy 5450
15 (“AP 5450”), the Inter-Club Council (“ICC”) By-laws, and the regulations
16 contained in the Citrus College Club & Organization Handbook (“Club
17 Handbook”). The Citrus Chapter of YAL organizes several events each year to
18 draw attention to issues such as the national debt.
19
20

21 48. All expressive activity by Registered Student Organizations must be
22 approved by four separate entities at the College: the Office of Student Life, the
23 ICC, the Executive Board of the Associated Students of Citrus College (“ASCC”),
24 and the Dean of Students. The Club Handbook provides a one-page flow chart
25 depicting a 15-step process for obtaining permission to hold any expressive event.
26
27

28 Ex. D.

1 49. Citrus College AP 5450 requires all student organizations to submit to
2 the Office of Student Life, a properly completed and signed “Request for Activity
3 Approval” and other necessary forms for all activities and fundraisers whether held
4 on or off campus. Article VI of the ICC By-laws requires advance approval by the
5 ICC, which requires a member of the organization to submit the necessary form,
6 attend the meeting, and await approval and processing.
7
8

9 50. The College requires student organizations to obtain approval fourteen
10 days in advance of engaging in any expressive activities, except for an internal club
11 meeting. The organization cannot publicize the event until the process is
12 completed.
13

14 51. The ICC and ASCC Executive Board may withhold permission for any
15 event that may “conflict with another activity of the same nature,” is illegal, or is “a
16 blatant violation of policies and procedures set forth by the college.”
17

18 52. The policies provide no criteria for defining or applying these
19 standards.
20

21 53. On its face, the flow chart in the Club Handbook does not limit the
22 discretion of the Dean of Students or Office of Student Life to deny approval to any
23 proposed activity.
24

25 54. Plaintiff is aware of instances in which approval for campus events has
26 been denied arbitrarily.
27
28

1 55. On information and belief, in the spring of 2013, the ICC denied the
2 “Sexploration” student club permission to distribute condoms on campus during
3 Sex Week because doing so was deemed inappropriate. However, on information
4 and belief, the California Department of Health and Human Services was allowed to
5 distribute condoms during the same time.
6

7
8 56. The approval process is enforced based on a “Three Strikes” Policy.
9 On a first offense, the club and advisor are issued a warning via email and letter.
10 With a second offense, the club and advisor are notified of the infraction, and the
11 organization is deactivated for one month, its accounts frozen, and the club barred
12 from participating in any activities such as fundraisers and social events during the
13 suspension. On a third offense, the club and advisor are notified of the infraction
14 and organization is deactivated for six months, its accounts frozen, and it is barred
15 from participating in any activities.
16
17

18 57. The approval process for club activities imposes a prior restraint on
19 Sinapi- Riddle’s expressive activities, as well as those of all other student club
20 members not before this Court. Citrus College YAL has been deterred from
21 engaging in expressive activities because the approval process is too bureaucratic
22 and difficult to navigate.
23
24

25 58. YAL had planned a debate for the spring semester of 2014, in which
26 students from different political parties would debate social issues, but did not hold
27 the event because the process for getting permission was too cumbersome. The 15-
28

1 step approval process that takes two weeks to complete has restricted YAL's ability
2 to hold or publicize such events.

3
4 59. Sinapi-Riddle wishes to engage in expressive activities on the Citrus
5 campus without obtaining advance approval from university officials, but he has
6 continued to submit to Citrus College's licensing scheme for fear of disciplinary
7 action.

8
9 **E. Harassment Policy**

10 60. Citrus College also has adopted general rules governing campus speech
11 that restrict expressive activities in arbitrary ways. Administrative Policy 7102
12 ("AP 7102"), states: "Harassment based on race, religious creed, color, national
13 origin, ancestry, physical disability, mental disability, medical condition, marital
14 status, sex, age, or sexual orientation of any person, or the perception that a person
15 has one or more of these characteristics is illegal and violates District policy."
16
17

18 61. Policy 7102 defines "verbal harassment" as inappropriate or offensive
19 remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual
20 orientation, or other protected status. This may include, but is not limited to,
21 inappropriate comments regarding an individual's body, physical appearance, attire,
22 sexual prowess, marital status, or sexual orientation; unwelcome flirting or
23 propositions; demands for sexual favors; verbal abuse, threats or intimidation; or
24 sexist, patronizing, or ridiculing statements that convey derogatory attitudes based
25 on gender, race nationality, sexual orientation or other protected status.
26
27
28

1 62. AP 7102 vests Defendants with unbridled discretion to expand or
2 restrict the definition of “offensive remarks, slurs, jokes, or innuendoes,”
3 “inappropriate comment,” “unwelcome flirting” or “sexist, patronizing, or
4 ridiculing statements” to punish speech protected by the First Amendment.
5

6 63. AP 7102 also prohibits “visual or written harassment.” This is defined
7 very broadly to include the display or circulation of visual or written material that
8 degrades an individual or group based on gender, race, nationality, sexual
9 orientation, or other protected status. This may include, but is not limited to,
10 posters, cartoons, drawings, graffiti, reading materials, computer graphics, or
11 electronic media transmissions.
12

13 64. AP 7102 vests Defendants with unbridled discretion to expand or
14 restrict the definition of “visual or written harassment” to punish speech they do not
15 like or allow speech with which they agree.
16

17 65. Students may be subject to disciplinary action for violating this
18 Harassment Policy under Administrative Procedure 7101 (“AP 7101”). AP 7101
19 contains no standards for determining whether speech or activity is protected by the
20 First Amendment. Instead, it grants Defendants *carte blanche* to punish speech of
21 which they disapprove.
22

23 66. Sinapi-Riddle is aware of official investigations conducted pursuant to
24 AP 7102 that confirm the undefined and arbitrary nature of the policy. As a
25 consequence, the Plaintiff has refrained from organizing events that touch on
26
27
28

1 sensitive political issues that could be considered offensive or inappropriate by
2 some and that could lead to disciplinary measures against the Plaintiff or Citrus
3 College YAL.
4

5 67. Because the policies and actions of Defendants prevent Sinapi-Riddle
6 from exercising his constitutional right to free expression at the College, he is
7 suffering irreparable injury. Defendants’ policies and actions create a hostile
8 atmosphere for free expression on campus, chilling the speech of other students
9 who are not before the Court.
10
11

12 VI. CAUSES OF ACTION

13 COUNT I

14 **Facial Challenge to AP 3900: Violation of Right to Free Speech Under the** 15 **Plaintiff’s First and Fourteenth Amendment Rights (42 U.S.C. § 1983)** 16 **(Defendants Citrus College, Perri, Spor and McDonald)**

17 68. Plaintiff repeats and realleges each of the foregoing allegations in this
18 Complaint.
19

20 69. AP 3900 prohibits free expression on all but a tiny fraction of the
21 Citrus College campus despite the fact that the college has many open areas and
22 sidewalks that are suitable for expressive activities.
23

24 70. The College cannot legally declare the vast majority of public areas on
25 campus to be “non-public forums.” *Khademi v. South Orange County Community*
26 *College Dist.*, 194 F. Supp. 2d 1011 (C.D. Cal. 2002). Restricting all First
27 Amendment activity to a designated “Free Speech Area” impermissibly restricts
28

1 student expression, does not serve a significant governmental interest, and is
2 unconstitutionally overbroad.

3
4 71. As a direct result of the Defendants' continued maintenance of AP
5 3900, the Plaintiff and other students at the Citrus College are deprived of their
6 right to free speech under the First and Fourteenth Amendments to the Constitution.
7

8 **COUNT II**

9 **Facial Challenge to AP 5450: Violation of Right to Free Speech Under the** 10 **First and Fourteenth Amendments – Prior Restraint (42 U.S.C. § 1983)** 11 **(Defendants Citrus College, Perri, Spor and McDonald)**

12 72. Plaintiff repeats and realleges each of the foregoing allegations in this
13 Complaint.

14 73. Students have a First Amendment right to engage in expressive
15 activities without obtaining advance permission from government officials.
16 *Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981); *Papish v. Board of Curators of*
17 *the University of Missouri*, 410 U.S. 667 (1973).
18

19 74. Citrus College policies that require all student groups to request
20 permission two weeks in advance to engage in expressive activity other than
21 regularly scheduled internal meetings, and to follow a cumbersome bureaucratic
22 approval process, is an unconstitutional prior restraint.
23
24

25 75. A permitting requirement is a prior restraint on speech and therefore
26 bears a heavy presumption against its constitutionality. *Berger v. City of Seattle*,
27 569 F.3d 1029, 1037 (9th Cir. 2009). Advance notice and permitting requirements
28

1 are presumptively invalid because of the significant burden that they place on free
2 speech. The Supreme Court has labeled prior restraint of speech as “the essence of
3 censorship.” *Near v. Minn.*, 283 U.S. 697, 713 (1931). Such restrictions are “the
4 most serious and the least tolerable infringement on First Amendment rights.”
5 *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976).
6

7
8 76. As a direct result of AP 5450, the ICC by-laws, and the Club
9 Handbook, Plaintiff and other similarly situated students have been deprived of
10 their right to free speech under the First and Fourteenth Amendments to the
11 Constitution.
12

13 **COUNT III**

14 **Facial Challenge to AP 7102: Violation of Right to Free Speech Under the** 15 **Plaintiff’s First and Fourteenth Amendment Rights (42 U.S.C. § 1983)** 16 **(Defendants Citrus College, Perri, Spor and McDonald)**

17 77. Plaintiff repeats and realleges each of the foregoing allegations in this
18 Complaint.
19

20 78. Citrus College’s Harassment Policy set forth in AP 7102 restricts vast
21 amount of speech protected by the First Amendment, employs vague and open-
22 ended terms to restrict expressive activities, and vests Citrus College officials with
23 unbridled discretion in enforcing these restrictions.
24

25 79. A restriction on speech is void for vagueness if the prohibitive terms
26 are not clearly defined such that a person or ordinary intelligence can readily
27 identify the applicable standard for inclusion and exclusion. *Grayned v. City of*
28

1 *Rockford*, 408 U.S. 104, 108 (1972). Even if the expression subjected to regulation
2 is clearly defined, a prohibition on “harassment” is overly broad unless it is
3 specifically confined to actions that are “severe, pervasive, and objectively
4 offensive.” *Davis v. Monroe County Board of Education*, 526 U.S. 629, 652
5 (1999).
6

7
8 80. AP 7102 is invalid on its face because fails adequately to advise
9 students of the types of expression it prohibits. It purports to restrict student speech
10 using such broad terms as “inappropriate” or “offensive” remarks and “innuendo.”
11 The Policy is unconstitutionally vague on its face in violation of the First
12 Amendment and the due process guarantee of the Fourteenth Amendment to the
13 U.S. Constitution. As written, AP 7102 is not limited to speech that is “severe,
14 pervasive, and objectively offensive.”
15
16

17 81. AP 7102 does not provide standards to limit the discretion of college
18 officials who are empowered to enforce it. This allows officials to administer the
19 policy on the basis of impermissible factors or through arbitrary application.
20

21 82. As a direct result of AP 7102, students at the College are deprived of
22 their right to free speech under the First and Fourteenth Amendments to the
23 Constitution.
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COUNT IV

**As-Applied Challenge to AP 3900: Violation of Plaintiff’s Right to Free Speech
Under the First and Fourteenth Amendments (42 U.S.C. § 1983)
(Doe Defendant 1)**

83. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

84. Doe Defendant 1 denied Plaintiff’s clearly established right to freedom of speech and expression secured by the First and Fourteenth Amendments to the Constitution of the United States by enforcing AP 3900 to prevent Sinapi-Riddle from discussing political issues and from obtaining petition signatures outside the school’s “Free Speech Area.”

85. Doe Defendant 1 denied Plaintiff’s clearly established rights to freedom of speech and expression secured by the First and Fourteenth Amendments to the Constitution of the United States by threatening to eject Sinapi-Riddle from campus if he continued to engage in expressive activities outside the prescribed “Free Speech Area.”

86. Doe Defendant 1 violated clearly established constitutional rights of which all reasonable college administrators and staff should have known, rendering him liable to Sinapi-Riddle under 42 U.S.C. § 1983.

87. Plaintiff is entitled to a declaration that Doe Defendant 1 violated his First Amendment rights, as well as injunctive relief and damages in an amount to be

1 determined by the evidence and this Court. The Plaintiff is also entitled to an award
2 that includes the reasonable costs of this lawsuit, including attorneys' fees.
3

4 **COUNT V**

5 **As-Applied Challenge to AP 3900: Violation of Plaintiff's Right to Free Speech**
6 **Under the First and Fourteenth Amendments (42 U.S.C. § 1983)**
7 **(Defendant Thompson)**

8 88. Plaintiff repeats and realleges each of the foregoing allegations in this
9 Complaint.

10 89. Defendant Thompson denied Plaintiff's clearly established right to
11 freedom of speech and expression secured by the First and Fourteenth Amendments
12 to the Constitution of the United States by threatening Sinapi-Riddle and other
13 students with official sanctions including punitive litigation when they protested a
14 proposed amendment to the Citrus College student government constitution in
15 March 2014.

16 90. Defendant Thompson violated clearly established constitutional rights
17 of which all reasonable college administrators and staff should have known,
18 rendering her liable to Sinapi-Riddle under 42 U.S.C. § 1983.
19

20 91. Plaintiff is entitled to a declaration that Defendant Thompson violated
21 his First Amendment rights, as well as injunctive relief and damages in an amount
22 to be determined by the evidence and this Court. The Plaintiff is also entitled to an
23 award that includes the reasonable costs of this lawsuit, including attorneys' fees.
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COUNT VI

As-Applied Challenge to AP 5450: Violation of Right to Free Speech Under the First and Fourteenth Amendments (42 U.S.C. § 1983) – Prior Restraint
(Defendants Citrus College, Perri and Spor)

92. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

93. By requiring every student group to wait two weeks before speaking in order to obtain the permission of four entities at the College – the Office of Student Life, the ICC, the ASCC, and the Dean of Students – Citrus College is imposing a prior restraint on free expression.

94. The Plaintiff and YAL have navigated this process for past events, including seeking permission for events that included a Free Speech Wall and a protest about the national debt entitled a “War on YOUth.” However, because the process is cumbersome and time-consuming, YAL has had to limit the number of events they can sponsor.

95. Plaintiff and other members of YAL desired to organize a debate on current political issues at the beginning of the Spring 2014 semester but did not have the time to fill out the burdensome paperwork and go through the two-week approval process so that Defendants could vet their event and its message.

96. The policies and conduct of Defendants restricting all First Amendment protected speech by requiring students to apply for permission to engage in expressive activities on or off the College made it impossible for Plaintiff

1 and YAL to hold the planned event and thus imposed an unconstitutional prior
2 restraint on their First Amendment rights.

3
4 97. As a direct result of the Defendants' continued maintenance of
5 Administrative Policy 5450, the ICC by-laws, and the Club Handbook, Plaintiff and
6 other similarly situated students have been, and will continue to be, irreparably
7 injured in that they have been, and will be, deprived of their right to free speech
8 under the First and Fourteenth Amendments to the Constitution.

9
10 98. Plaintiff is entitled to a declaration that Defendants violated his First
11 Amendment rights. Plaintiff is also entitled to damages in an amount to be
12 determined by the evidence and this Court, and the reasonable costs of this lawsuit,
13 including his reasonable attorneys' fees.

14
15
16 **COUNT VII**

17 ***Monell Claim (42 U.S.C. § 1983)***
18 **(Defendant Citrus Community College District)**

19 99. Plaintiff repeats and realleges each of the foregoing allegations in this
20 Complaint.

21
22 100. A government body such as the Citrus College may be held liable
23 under 42 U.S.C. § 1983 when the execution of government policy or custom that
24 may be fairly said to represent its official policy inflicts injury on a plaintiff.
25 Section 1983 also allows liability for constitutional violations committed by
26 government employees if the government body itself is responsible for causing
27
28

1 constitutional deprivations. *Monell* liability can further rest on ratification by a
2 final policymaker, or for damages caused by a failure to train employees that leads
3 to the deprivation of constitutional rights.
4

5 101. The District fails to train its administrators and employees adequately
6 with respect to the First Amendment rights of college students, displaying deliberate
7 indifference to the student body's constitutional rights.
8

9 102. Citrus College failed to supervise and discipline its administrators and
10 employees for unlawfully interfering with the First Amendment right of students to
11 engage in expressive activities and in the public areas of a state college, displaying
12 deliberate indifference to its citizens' constitutional rights. This problem is
13 systemic.
14

15 103. Citrus College promulgated policies limiting student speech activities
16 to a single designated "Free Speech Area," even after it settled a previous legal
17 challenge to the constitutionality of such a regime.
18

19 104. Doe Defendant 1 was acting under color of official authority pursuant
20 to Citrus College policies when he threatened Sinapi-Riddle with sanctions for the
21 student's attempt to discuss political issues and collect petition signatures outside
22 the campus "Free Speech Area."
23
24

25 105. Defendant Thompson was acting under color of official authority
26 pursuant to Citrus College policies when she threatened Sinapi-Riddle and other
27
28

1 students with a lawsuit for copyright violation to censor a sign satirizing a student
2 government referendum.

3
4 106. California Education Code § 76120 provides that state colleges may
5 not promulgate rules and regulations that “prohibit the right of students to exercise
6 free expression,” including “the distribution of printed materials or petitions.”
7
8 Nonetheless, Doe Defendant 1 and Defendant Thompson interfered with Plaintiff’s
9 expressive activities and prevented Sinapi-Riddle from collecting signatures for a
10 petition on the Citrus College campus. District employees provide guidance to
11 student government bodies (the Inter-Club Council and Associated Students of
12 Citrus College) regarding approval for club activities that is unconstitutional on its
13 face. Specifically, the District informs these groups that they may choose between
14 applications for permission to speak if two requests are “of a similar nature,” and
15 thus promoting viewpoint discrimination.
16
17

18 107. As a direct and proximate result of these unconstitutional policies,
19 customs and practices, Sinapi-Riddle was deprived of his rights under the United
20 States Constitution. Plaintiff is entitled to a declaration that Defendants violated his
21 First Amendment rights. Additionally, Plaintiff is entitled to damages in an amount
22 to be determined by the Court, and the costs of this lawsuit, including his reasonable
23 attorneys’ fees.
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COUNT VIII

Declaratory Judgment and Injunction (28 U.S.C. § 2201, et seq.)
(All Defendants)

108. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

109. An actual controversy has arisen and now exists between Plaintiff and Defendants concerning Plaintiff's rights under the United States Constitution. A judicial declaration is necessary and appropriate at this time as to Counts I through VII above.

110. Plaintiff desires a judicial determination of his rights against Defendants as they pertain to Plaintiff's right to speak, assemble, petition, and distribute literature on the outdoor campus areas of Citrus College without being subjected to a prior restraint or "time, place, and manner" regulations that are unreasonable, that are not narrowly tailored to serve a substantial governmental interest, and that do not leave open ample alternative channels of communication.

111. To prevent further violation of Plaintiff's constitutional rights by Defendants, it is appropriate and proper that a declaratory judgment issue, pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, declaring the District and College's policies unconstitutional.

112. Pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate and hereby requested that this Court issue a permanent injunction prohibiting the

1 Defendants from enforcing their restrictions on Plaintiff’s expressive activities to
2 the extent they are unconstitutional, to prevent the ongoing violation of Plaintiff’s
3 constitutional rights.
4

5 113. Plaintiff and his fellow students are suffering irreparable harm from
6 continued enforcement of Citrus College’s unconstitutional policies, monetary
7 damages are inadequate to remedy their harm, and the balance of equities and
8 public interest both favor a grant of injunctive relief.
9

10
11 **VII. PRAYER FOR RELIEF**

12 WHEREFORE, the Plaintiff respectfully requests that the Court enter
13 judgment against Defendants and provide Plaintiff the following relief:
14

15 A. A declaratory judgment stating that Defendants’ speech codes as
16 specified in this Complaint are unconstitutional facially and as-applied and that they
17 violate the Plaintiff’s rights as guaranteed under the First and Fourteenth
18 Amendments to the United States Constitution. Specifically, the Plaintiff seeks a
19 declaratory ruling that:
20

- 21 1. AP 3900, which establishes the “Free Speech Area,” is invalid on its
22 face under the First and Fourteenth Amendments;
- 23 2. AP 5450, which requires prior approval for student group activities at
24 Citrus College is invalid on its face under the First and Fourteenth
25 Amendments;
- 26 3. AP 7102, which imposes a vague and open-ended prohibition on
27 speech deemed to be “harassment” is invalid on its face under the
28 First and Fourteenth Amendments;

- 1 4. AP 3900 has been applied so as to deprive the Plaintiff of his First
2 and Fourteenth Amendment rights;
- 3 5. AP 5450 has been applied so as to deprive the Plaintiff of his First
4 and Fourteenth Amendment rights; and
- 5 6. The policies and practices of Citrus College exhibit deliberate
6 indifference to the Plaintiff's constitutional rights and to the rights of
7 his fellow students;

8 B. A permanent injunction restraining enforcement of Defendants'
9 unconstitutional speech codes and enforcement practices;

10 C. Monetary damages in an amount to be determined by the Court to
11 compensate for the Defendants' application of the illegal speech codes to interfere
12 with Plaintiff's expressive of activity of collecting signatures for a petition outside
13 the "free speech Area;"

14 D. Plaintiff's reasonable costs and expenses of this action, including
15 attorneys' fees, in accordance with 42 U.S.C. § 1988, and other applicable law; and

16 E. All other further relief to which Plaintiff may be entitled.

17 Dated: July 1, 2014

18 Respectfully submitted,

19
20
21
22 _____
23 ROBERT CORN-REVERE

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LISA B. ZYCHERMAN

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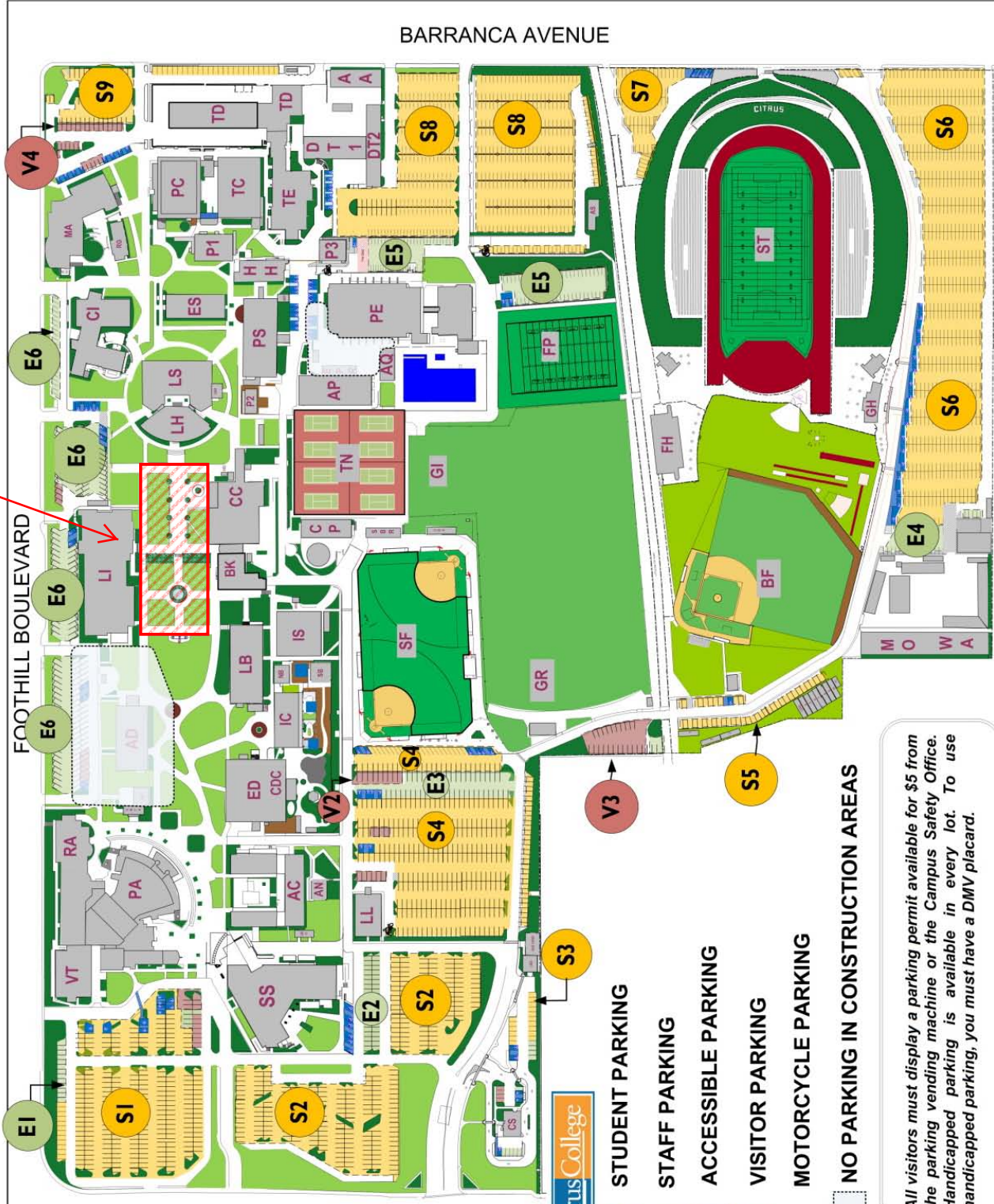
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EXHIBIT A

FREE SPEECH AREA



- S** STUDENT PARKING
- E** STAFF PARKING
-  ACCESSIBLE PARKING
- V** VISITOR PARKING
-  MOTORCYCLE PARKING
-  NO PARKING IN CONSTRUCTION AREAS

All visitors must display a parking permit available for \$5 from the parking vending machine or the Campus Safety Office. Handicapped parking is available in every lot. To use handicapped parking, you must have a DMV placard.



EXHIBIT B

CITRUS COMMUNITY COLLEGE DISTRICT GENERAL INSTITUTION

BP 3900 Speech: Time, Place, and Manner (formerly numbered BP 5550)

References: Education Code Sections 66301, 76120, and 87708;
Penal Code Sections 311, 311.2, 407, 409, 415, 415.5, 416, 422.6,
602.10, 626-626.6
Business & Professions Code Section 5402

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The District is considered a non-public forum, except for those areas of the college that are designated as areas generally available for use by students or the community, which are designated public forums. The Superintendent/President shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedures developed by the Superintendent/President shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia. Students shall be free to exercise their rights of free expression, subject to the requirements of this policy. (Education Code section 76120.)

Speech shall be prohibited that is defamatory or obscene according to current legal standards, or which so incites others as to create a clear and present danger of the commission of unlawful acts on district property or the violation of Board policies or administrative procedures, or the substantial disruption of the orderly operation of the District. (Education Code section 76120.)

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. "Hate violence" is defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992 (Senate Bill 1115) to mean any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group of persons, that

the person or group of persons against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat. (Education Code section 66301.) Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

Non-students may obtain use of areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities pursuant to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

Also refer to BP 4030 titled Academic Freedom and AP 3900 titled Speech: Time, Place, and Manner

Board Approved 02/05/13

EXHIBIT C

CITRUS COMMUNITY COLLEGE DISTRICT GENERAL INSTITUTION

AP 3900 Speech: Time, Place, and Manner (formerly numbered AP 5550)

References: Education Code Sections 66301, 76120, and 87708;
Penal Code Sections 311, 311.2, 407, 409, 415, 415.5, 416, 422.6,
602.10, 626-626.6
Business & professions Code Section 5402

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 3900 and these procedures.

The college is a non-public forum, except for the following area (referred to herein as the Free Speech Area), which is reserved for expressive activities that are lawful and do not otherwise violate District policy: the area marked on the attached campus map, which is commonly referred to as the quad and comprised of the grassy areas and walkways south of Hayden Library (LI); west of Lecture Hall (LH); north of Campus Center (CC), Owl Bookshop (BK), and the Liberal Arts/Business building (LB); and east of the flagpole that is positioned north of the Liberal Art/Business building (LB) and south of the Administration building (AD). (See Campus Map.)

This area was chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, but also so as not to disrupt educational and other activities of the District on behalf of students. In the event the foregoing area becomes temporarily unavailable for use for any reasons, including, but not limited to, construction, campus officials shall designate one or more alternate areas for speech or expressive activities.

The area described above and reserved for speech or expressive activities is a designated public forum. The District reserves the right to revoke that designation and apply a non-public forum designation. The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. All areas of the college not described above are non-public forums.

Use of the Free Speech Area (or any other designated public forum) is subject to the following regulations:

- Persons wishing to engage in speech or expressive activities in the Free Speech Area are encouraged to inform the Department of Campus Safety of their intent to be present in the Free Speech Area. The District encourages such check-in as a means to provide for safety and for the equitable use of the Free Speech

Area. Individuals availing themselves of the Free Speech Area, whether they decide to check-in or not, may remain anonymous.

- Persons using the area shall not touch, strike or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby, nor shall they force passersby to take materials.
- Persons using the area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct (as defined under Penal Code Section 626.6) of the campus or classes.
- Persons using the area shall not solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the designated free speech areas on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.

Non-student use of any areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities is subject to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

Distribution of Materials

All persons using the Free Speech Area (or any other designated public forum) shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Material distributed in the areas that is discarded or dropped in or around the areas other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas that day.

Persons using and/or distributing material shall not impede the progress of passersby, nor shall they force passersby to take material.

Posting

Non-students may only post materials on the "Open Posting" bulletin boards. Students shall be provided with bulletin boards for posting student materials at campus locations convenient for student use. Materials posted in an unauthorized area will be removed.

All posted materials shall conform to the Posting Procedures set forth by the Office of Student Life. All materials displayed on a bulletin board (referred to as "publicity" in the Office of Student Life Posting Procedures) shall clearly indicate the author or agency responsible for its production, and shall have the approval of the Office of Student Life for student activities, or the Office of External Relations for instructional, student services and administrative departments. Materials will not be censored, unless they are defamatory or obscene according to current legal standards.

The use of bulletin boards shall be open to use on a first-come, first-served basis. Materials displayed shall be removed after the passage of 14 calendar days. "Open posting" bulletin boards will be cleared of all materials every two weeks on pre-determined dates. Posting Procedures and a schedule of bulletin board clearing may be obtained from the Office of Student Life.

Also see BP 4030 titled Academic Freedom

Board Approved 02/05/13

EXHIBIT D

Citrus College Office of Student Life Activity Request Process

