

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

MARY MASON, JESSICA GOMEZ,  
ALEXIS HUSCKO, KAYLA BENEFIEL,  
MALLORY KAUFFMAN, SPENCER  
LUDMAN, KENZIE FAILYER, MOLLY  
WILLSON, JOHN SNYDER, ANTHONY  
TRUJILLO, BRANDY DILLON, and TARSA  
WEIKERT,

Plaintiffs,

v.

BOB ALLBEE, in his individual capacity,  
DON DOUCETTE, in his individual capacity,  
GAIL SPIES, in her individual capacity, JOAN  
KINDLE, in her individual capacity, DEB  
SULLIVAN, in her individual capacity, and  
BOARD OF TRUSTEES OF EASTERN  
IOWA COMMUNITY COLLEGES, and  
MUSCATINE COMMUNITY COLLEGE,

Defendants.

Case No. \_\_\_\_\_

COMPLAINT

**COMPLAINT**

Plaintiffs Mary Mason, Jessica Gomez, Alexis Huscko, Kayla Benefiel, Mallory Kauffman, Spencer Ludman, Kenzie Failyer, Molly Willson, John Snyder, Anthony Trujillo, Brandy Dillon, and Tarsa Weikert, by and through their counsel, for their Complaint against defendants Bob Allbee, Don Doucette, Gail Spies, Broad of Trustees of Eastern Iowa Community Colleges, and Muscatine Community College, state and allege as follows:

**PARTIES**

1. Plaintiff Mary Mason is a citizen of the United States who resides in Iowa. Mason is the Editor in Chief for *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year.

2. Plaintiff Jessica Gomez is a citizen of the United States who resides in Illinois. Gomez is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year. She plans to be on next year's staff and is in consideration for Editor in Chief for the 2015-2016 school year.

3. Plaintiff Alexis Huscko is a citizen of the United States who resides in Iowa. Huscko is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year. She plans to be on next year's staff.

4. Plaintiff Kayla Benefiel is a citizen of the United States who resides in Iowa. Benefiel is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year.

5. Plaintiff Mallory Kauffman is a citizen of the United States who resides in Iowa. Kauffman is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year.

6. Plaintiff Spencer Ludman is a citizen of the United States who resides in Iowa. Ludman was on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2013-2014 school year.

7. Plaintiff Kenzie Failyer is a citizen of the United States who resides in Iowa. Failyer was on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2013-2014 school year.

8. Plaintiff Molly Willson is a citizen of the United States who resides in Iowa. Willson was on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2013-2014 school year.

9. Plaintiff John Snyder is a citizen of the United States who resides in Iowa. Snyder was on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2013-2014 school year.

10. Plaintiff Anthony Trujillo is a citizen of the United States who resides in Iowa. Trujillo is a journalism major who is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year and plans to be on next year's staff.

11. Plaintiff Brandy Dillon is a citizen of the United States who resides in Iowa. Dillon is a journalism major who is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year.

12. Plaintiff Tarsa Weikert is a citizen of the United States who resides in Iowa. Weikert is a journalism major who is on the staff of the *The Calumet* student newspaper at Muscatine Community College for the 2014-2015 school year.

13. Defendant Bob Allbee ("Allbee") is a citizen of the United States who resides in Iowa. Allbee is the president of Muscatine Community College, an Iowa state institution and is sued in his individual capacity.

14. Defendant Don Doucette ("Doucette") is a citizen of the United States who resides in Iowa. Doucette is the chancellor of Eastern Iowa Community Colleges, an Iowa state institution and is sued in his individual capacity.

15. Defendant Gail Spies ("Spies") is a citizen of the United States who resides in Iowa. Spies is the dean of Muscatine Community College, an Iowa state institution and is sued in her individual capacity.

16. Defendant Joan Kindle (“Kindle”) is a citizen of the United States who resides in Iowa. Kindle is the vice chancellor of education and training for Eastern Iowa Community Colleges, an Iowa state institution and is sued in her individual capacity.

17. Defendant Deb Sullivan (“Sullivan”) is a citizen of the United States who resides in Iowa. Sullivan is the human resources director and equal employment opportunity officer for Eastern Iowa Community Colleges and is sued in her individual capacity.

18. Defendant Board of Trustees of Eastern Iowa Community Colleges (the “Board”) is the duly-authorized governing body of Eastern Iowa Community Colleges (“EICC”).

19. Defendant Muscatine Community College (“MCC”) is a publicly funded two-year academic institution located in Muscatine, Iowa.

#### **PRELIMINARY STATEMENT**

20. This action is brought pursuant to 42 U.S.C. § 1983 to challenge the constitutionality of the actions of the administration of MCC and EICC in allowing faculty and staff members to intimidate and harass student journalists without repercussions, allowing a faculty member to pursue a baseless EEO charge based on the content of an article, removing a full-time faculty advisor and replacing him with a part-time adjunct, modifying the fall 2015 class schedule to marginalize the journalism program, and various other actions that amount to censorship by intimidation.

21. Plaintiffs seek a declaration that the actions of Defendants violate their constitutional rights and the rights of other student journalists at *The Calumet* as well as injunctive relief against Defendants for the adverse content-based decisions that resulted

in violations of the Plaintiffs' First and Fourteenth Amendment rights, as well as costs of this litigation, including reasonable attorneys' fees and costs.

### **JURISDICTION & VENUE**

22. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. § 1983. The Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

23. Venue is proper in the United States District Court for the Southern District of Iowa pursuant to 28 U.S.C. §§ 110 and 1391(b) because the claims arose in this District.

### **STATEMENT OF FACTS**

24. *The Calumet* is a newspaper publishing every two weeks providing coverage of campus news to the city of Muscatine, Iowa, including MCC. *The Calumet's* offices are located on the MCC campus, and the newspaper is staffed by MCC students.

25. *The Calumet* has been written, produced, and published by MCC students since 1951.

26. *The Calumet* is a student-run newspaper. Although students can earn academic credit for their work on *The Calumet*, participation is open to all students at MCC. According to the EICC Web site, *The Calumet* "is a forum for student expression, and students make all content decisions, write headlines and design the paper." The newspaper is funded by advertising and activity fees allocated by the MCC Student Senate.

27. The EICC Board Policy Regarding Student Publications, Series Number 532, states that "[s]tudents have the right to exercise freedom of speech, including the

right of expression in official college publications. . . . There shall be no prior restraint of material prepared for official college publications” unless the materials are obscene or libelous, encourage students to commit unlawful acts, violate college regulations, or cause the substantial disruption of the orderly operation of the college.

28. Since *The Calumet*’s inception more than 60 years ago, its advisor has been a full-time faculty member of MCC. For the past two years, James Compton (“Compton”) has been the faculty advisor for *The Calumet*.

29. This is consistent with the practice at other EICC campuses. For example, Beth Hafner is the advisor of the student newspaper at Clinton Community College. She is a full-time English instructor.

30. As advisor, Compton advises the student editors and reporters of *The Calumet*. This role is intended and designed to allow the student editors to exercise and maintain editorial control over the content of the newspaper. Consistent with long-standing precedent, the Editor in Chief of *The Calumet* has final authority for publication content and content decisions rest in the hands of the student editors.

31. As advisor, Compton advises the student editors and reporters of *The Calumet* that the First Amendment offers them certain protections and that they should exercise those rights responsibly and without fear of retribution.

32. As advisor, Compton advises the student editors and reporters of *The Calumet* that the newspaper is theirs, that the Editor in Chief is the publisher, and that the staff has total control over the look, content, and schedule of *The Calumet*.

33. During Compton’s tenure as advisor, the number of students involved in *The Calumet* has grown from four to 22 and the newspaper has been recognized for its

excellence. For example, earlier this year Mason came in third place in the Best of Show News Story competition at the ACP Best of the Midwest Convention.

***Administration's pattern of disregard for First Amendment rights***

34. Since at least the fall of 2013, the administration of MCC and EICC has shown a consistent disregard for the First Amendment rights of the student journalists working for *The Calumet*.

35. On multiple occasions, student journalists and Compton have raised complaints to various administrators about harassment and intimidation of student journalists by MCC faculty and staff members, acting under the color of authority.

36. Upon information and belief, none of these faculty or staff members has ever been disciplined by MCC or EICC. In fact, many of them have subsequently been promoted or are in line for promotions.

37. Rather, the administration has consistently endorsed the positions taken by these faculty and staff members (either directly or indirectly) and retaliated against *The Calumet* for its reporting by, among other things, launching an unfounded equal employment opportunity ("EEO") investigation of Compton as a result of a story in *The Calumet* (and attempting to make student journalists testify), removing Compton as advisor and replacing him with a part-time adjunct professor, and rescheduling the newspaper courses for fall 2015 to ensure limited participation in *The Calumet*.

***EEO investigation initiated in fall 2013***

38. In October 2013, Ludman wrote an article in *The Calumet* about perceived conflicts of interest in the Student of the Month selection process.

39. The article was relevant and newsworthy to the audience of *The Calumet* — the Student of the Month award (which included a gift card to a local store) was selected by the Student Senate and it had become routine for the Student Senate to award the student of the month award to its own members.

40. The article was particularly noteworthy because Student Senate President Loureen Sayej, the niece of Student Senate faculty advisor John Dabeet, had won the award twice in 12 months.

41. Shortly after the article was published, student journalists began receiving calls from then-MCC EEO and Affirmative Action Officer LaDrina Wilson, seeking information about the article.

42. Wilson said one or more EEO complaints had been filed with respect to the article, but refused to provide copies or even tell the student journalists who complained or against whom.

43. MCC hired a third party private investigator, James Sweeney, in connection with the EEO proceeding and MCC Dean of Students Shelly Cram-Rahlf attempted to coerce Ludman, Willson, and Failyer to participate in interviews with Sweeney without counsel.

44. The EEO proceeding, the related calls, and the pressure to be interviewed by Sweeney were a direct result of the content of Ludman's article, and the student journalists felt pressured and intimidated — a fact they expressed to administrators at the time.



45. It was ultimately revealed that a complaint was made by Dabeet against Compton, alleging that the article — which was conceived, written, edited, and published by the student journalists of their own accord — was in some way retaliatory.

46. After a lengthy investigation, MCC determined that there had been no EEO violation. But for reasons that remain unclear, Wilson still recommended placing a letter of discipline in Compton's file related to the incident.

47. Compton's appeal with respect to the letter of discipline is ongoing (it has been pending review by Doucette since August 2014).

48. Since the EEO investigation, Wilson has been promoted to dean of students at Scott Community College (which is part of the EICC system).

49. Since the EEO investigation, Dabeet has been made the co-chair of the EICC Diversity Council, which is in charge of all cultural diversity initiatives at all colleges within the EICC system.

50. The message sent by the administration was clear: If *The Calumet* publishes something that makes a faculty or staff member uncomfortable, the administration will side with the staff member — even if, as in this case, that meant conducting a lengthy investigation into an unfounded EEO complaint against the newspaper advisor and intimidating student journalists by making them part of the investigation.

51. This was reinforced by a conflict resolution meeting in August 2014 involving Compton, Dabeet, Allbee, and Sullivan. During that meeting, Sullivan (acting under color of state authority as an administrator of EICC) specifically stated that prior restraint/censorship would have resolved this issue. She suggested that Compton should

have changed the story before publication to ensure that it would not offend Dabeet, or used the situation as a “teaching moment” and avoided publication altogether.

*Harassment from faculty resumes*

52. On December 10, 2014, *The Calumet* ran an innocuous story about several grants received by MCC, including a \$38,000 grant received by Dr. Rick Boyer (“Boyer”), who is the current math and science department chair at MCC and will be the interim dean of MCC for the 2015-16 school year.

53. Boyer declined to respond to interview questions posed by the reporter, and this was noted in the story, as is customary in journalism.

54. The story also included a headshot of Boyer, as well as headshots of the other grant recipients mentioned and quoted in the story.

55. The headshot of Boyer used by *The Calumet* has been used in the past to identify Boyer in campus emails and in the *Muscatine Journal*.

56. Shortly after the December 10 article, Boyer called *The Calumet* to voice his displeasure about the use of the photograph. Mason answered that call and Boyer immediately began his complaint, without asking who he was speaking to or asking to speak to the editor or the advisor.

57. During that call, Boyer (a faculty member and future dean at MCC) was angry and abusive toward Mason (a student). He asserted that *The Calumet* did not have the right to use his photograph and that *The Calumet* must obtain his consent in the future before using his photograph *or a photograph of anyone else on campus*. Boyer then hung up on Mason before she could offer any explanation.

58. This phone call not only amounts to harassment and intimidation of a student journalist by a faculty member and future administrator, but it is also a clear attempt to censor the newspaper. Boyer said in no uncertain terms that *The Calumet* would need his permission to publish photographs of anyone on campus going forward.

59. On January 14, 2015, Compton emailed Sullivan and requested that she facilitate a discussion with Boyer to address any concerns Boyer had about *The Calumet*.

60. Sullivan responded on January 26, 2015, stating that she had investigated by completing “a thorough review of all perspectives and thoughts.” But this “thorough review” did not include any contact with Compton, Mason, or any of the other student journalists involved.

61. Sullivan recommended that *The Calumet* “move on to a different article.”

62. Once again, the administration had sided with a faculty member who sought to intimidate and harass student journalists, and suggested that censorship of the student voice would be the best way to resolve the issue.

***Compton removed as advisor and replaced with part-time adjunct***

63. In late January of 2015, *The Calumet* was preparing an article about Boyer’s call.

64. Before publishing the article, Compton requested a meeting with Spies to discuss the article, in hopes of opening a dialogue with the administration.

65. In a recorded meeting, Spies advocated once again for prior restraint and noted that if the article ran, “it probably will (a) shut down the newspaper, (b) new adviser for the newspaper, or (c) get us all up into the chancellor’s office, and we’ll have to deal with this.”

66. The article regarding Boyer's call to *The Calumet* was published on February 6, 2015.

67. On February 11, 2015, Spies made good on her threat and Compton was informed that he would be removed as the advisor for the 2015-16 academic year.

68. Shortly thereafter, it was announced that Compton would be replaced as newspaper advisor by a part-time adjunct faculty member.

69. The stated reason for this change was that Compton has been reassigned to teach more courses in his discipline (English) where his expertise is required to address core institutional priorities, such as improving student completion rates and competencies.

70. But this is merely a pretext for the administration's retaliatory behavior. Plaintiffs do not dispute that MCC has the right to reassign Compton, but *The Calumet* has been advised by a full-time faculty member for more than 60 years.

71. Notably, the student newspaper at Clinton Community College still has a full-time instructor as its advisor for the 2015-16 academic year, despite considerably lower enrollment than *The Calumet*.

72. As a full-time faculty member, Compton spends all of his working hours on campus at MCC and over the past four semesters, he has often spent 20-30 hours in *The Calumet* newsroom each week (above and beyond his teaching requirements). A part-time adjunct who is only under contract to teach journalism classes 6-9 hours per week almost certainly will not be able to make the same time commitment.

73. For the past six semesters, a full-time member of the MCC English Department has served as the advisor for *The Calumet*, and adjuncts have been used to

cover one or two of the advisor's English classes each semester. Over those three years, "institutional priorities" did not prevent assignment of a full-time professor to serve as the newspaper advisor.

74. Moreover, to the extent the administration is focused on improving student completion rates and competencies, it should be focused on supporting *The Calumet*, not marginalizing it. Students who join *The Calumet* tend to be invested in the campus and tend to be students who complete their degrees, graduate, and/or transfer to four-year institutions.

75. The administration's true motives in replacing Compton with a part-time adjunct are underscored by the fact that Spies did not follow typical hiring procedures. Regular procedure is for the department coordinator to locate and interview adjuncts, with the dean being involved only for final approval. In this case, Spies located and interviewed the new adjunct advisor with no input from the department coordinator.

***Harassment of student journalists on campus continues unabated***

76. On February 10, 2015, Boyer sent an email to 28 members of the MCC/EICC faculty and administration, including Allbee and Spies.

77. That email made false statements about the nature of Boyer's interactions with *The Calumet* and Mason, including the nature and content of the telephone conversation on December 10, 2014.

78. In this same time period, chemistry professor Brandon Lange ("Lange") began using instructional time and the time of a student organization he advises to criticize *The Calumet*. Lange was extremely critical of the stories related to Boyer and

intimidated members of *The Calumet* who were also in his class and/or student organization.

79. Lange falsely told students in at least one class that Mason and Compton were solely responsible for stories published in *The Calumet*.

80. Upon information and belief, Lange also told students in the student organization he advises that they should never work for *The Calumet* and told current staff members that they should stop working for *The Calumet*.

81. Upon information and belief, Lange also encouraged the leadership of his student organization to harass members of *The Calumet* and pressure those individuals to change the content of the newspaper.

82. Compton and student journalists made multiple complaints to administrators, including Spies, regarding the harassment and intimidation of student journalists on campus, including the false allegations spread by Boyer's email and the inappropriate behavior by Lange.

83. Upon information and belief, no adverse action has been taken against Boyer or Lange. In fact, Boyer is still in line to be promoted to interim dean next fall, and Lange will be promoted to math and science department chair in place of Boyer. Lange also was placed on the search committee for the new president of MCC and was recently appointed to the new EICC Council in Teaching Excellence, which will advise EICC on best teaching practices. This appointment means Lange will have a reduced teaching load.

84. Instead, administrators told the student journalists that they should expect these sorts of reactions when they write stories of this nature.

85. While it is certainly true that student journalists should expect some amount of negativity in response to controversial stories, the actions in this case rise to the level of intimidation and harassment that the MCC/EICC administration has implicitly, if not expressly, endorsed.

***Journalism courses rescheduled to marginalize The Calumet***

86. The administration has further undermined the journalism program by altering the schedule of these courses for the fall of 2015.

87. Currently, Beginning Newswriting meets on Mondays and Wednesdays from 1:00-2:30, which gives flexibility for students to participate in the journalism program while also taking advantage of the high number of general education requirements and writing and literature electives that meet on Tuesdays and Thursdays during the 10:30-12:00 timeslot.

88. The new proposed schedule puts Beginning Newswriting at 10:30-12:00 on Tuesdays and Thursdays, forcing students to choose between Beginning Newswriting and the many other classes at this time.

89. A full-time student taking four or five classes will have difficulty in finding a space for Beginning Newswriting on Tuesday and Thursday from 10:30-12:00 while also trying to take other required general education classes. Students generally take three to four classes on Monday, Wednesday, and Friday, and one class on Tuesday and Thursday, which is usually during the 10:30-12:00 timeslot.

90. In short, despite the success of the journalism program, the MCC schedule is designed to minimize the number of students who can participate in it.

91. The other journalism course, Journalism Practicum, has technically been on the same schedule for the past several years. But the shift from a full-time professor to a part-time adjunct likely will limit participation in this course as well.

92. To attract students to participate in *The Calumet*, Compton has allowed students to sign up for the Tuesday/Thursday class and then meet with him on any two days for a total of three hours as their schedule and his will allow. This gives students the flexibility to take their desired general education classes and electives while still participating in the newspaper.

93. A part-time adjunct will not have the time or flexibility to make such arrangements, thereby limiting enrollment.

94. Thus, the current schedule — coupled with the shift from a full-time professor to a part-time adjunct — amounts to a constructive restraint on the free speech of students who might otherwise write for *The Calumet*.

***Funding for The Calumet is reduced***

95. The Student Senate at Muscatine Community College (for which Boyer is an advisor) is responsible for allocating the funding from student activity fees.

96. For the past three years, the Student Senate has provided *The Calumet* with enough funds that it could begin the year with \$10,000.00.

97. The Student Senate looked at what was in *The Calumet's* account in the spring and added whatever additional amount was needed. For example, if *The Calumet* had \$3,000 in its account on the day the allocation decision was made, the Student Senate would allocate \$7,000.



98. But this is a flawed approach because it does not account for unpaid invoices. Continuing with the same example used above, if *The Calumet* owed its printer an additional \$2,000 to be paid after the allocation, *The Calumet* actually begins the year with only \$8,000 in its account.

99. Even the full \$10,000 allocation has not been enough for *The Calumet* to publish every two weeks with a staff of 22 students journalists, but thus far *The Calumet* has been able to keep itself afloat via advertising sales, emergency funding requests, and independent fundraising efforts.

100. With these realities in mind, *The Calumet* this year requested a budget of \$14,000.

101. This year, the Student Senate provided *The Calumet* with only \$5,500 in funding.

102. No reason was given for cutting *The Calumet's* budget by such a significant amount.

103. Even accounting for a 10 percent cut across all student activities as a result of school-wide budget restraints, *The Calumet's* budget still falls well short of what it requested and what it reasonably expected to receive based on past years.

104. *The Calumet* is attempting to raise additional funds to cover the remaining costs for this year (approximately \$1,100), but if it is not able to do so, the printer likely will be next year's staff. This means it will really start the year with only \$4,400 – less than half the budget from previous years.

105. Upon information and belief, the cut in funding for *The Calumet* is a direct result of *The Calumet's* content.

106. Upon information and belief, the cut in funding was directly or indirectly endorsed by the Muscatine administration.

**COUNT I – 42 U.S.C. § 1983**

***(Freedom of Speech/Freedom of Speech)***

107. Plaintiffs incorporate by reference the prior allegations of this Complaint as if fully set forth herein.

108. Plaintiffs have a constitutional right under the First and Fourteenth Amendments to the United States Constitution to the exercise of the freedom of speech and press, free from interference by state actors.

109. Defendants are state actors operating under color of law.

110. In contravention of these constitutionally protected rights, Defendants directly violated Plaintiffs' constitutional rights, encouraged violations of Plaintiffs' constitutional rights, and/or acted with deliberate indifference to those rights by allowing faculty and staff members to intimidate and harass student journalists without repercussions, allowing a faculty member to pursue a baseless EEO charge based on the content of an article, removing Compton as the advisor and replacing him with a part-time adjunct, modifying the fall 2015 class schedule to marginalize the journalism program, and directly or indirectly encouraging the reduction of funds available to *The Calumet*.

111. Defendants' adverse actions were impermissibly based, in significant part, on the content of the newspaper and resulted in (or will result in) a chilling of First Amendment rights.

112. There was no legitimate reason for the Defendants' actions, and any attempt by the Defendants to label their actions as such is mere pretext to mask the adverse content-based reasons for their actions.

113. As a direct and proximate cause of Defendants' actions, Plaintiffs were injured in their rights to free speech and free press guaranteed by the First and Fourteenth Amendments of the United States Constitution.

114. Plaintiffs' rights, status and legal relations are affected by the actions of the Defendants under color of state law, and Plaintiffs hereby seek judicial determination and declaration of the First Amendment rights of *The Calumet* and its student editors to make editorial decisions, even if these decisions are contrary to the wishes of the administration, faculty, and staff of EICC and MCC.

115. Plaintiffs have no adequate remedy at law.

**COUNT II – 42 U.S.C. § 1983**

***(Retaliation)***

116. Plaintiffs incorporate by reference the prior allegations of this Complaint as if fully set forth herein.

117. *The Calumet's* publication of articles critical of certain individuals and organizations on the MCC campus is a constitutionally protected activity.

118. Defendants retaliated against Plaintiffs and other student journalists by allowing staff members to conduct a meritless EEO investigation that intimidated student journalists.

119. Defendants retaliated against Plaintiffs and other student journalists by allowing faculty members to intimidate and harass members of *The Calumet* staff without repercussions.

120. Defendants retaliated against Plaintiffs and other student journalists by removing Compton as the newspaper advisor and replacing him with a part-time adjunct professor.

121. Defendants retaliated against Plaintiffs and other student journalists by altering the academic schedule for fall 2015 to ensure that enrollment and involvement in *The Calumet* would decline.

122. Defendants retaliated against Plaintiffs and other student journalists by allowing Boyer to falsely accuse them of lying (thereby hurting their reputations and potential academic and employment prospects) without any repercussions.

123. Defendants retaliated against Plaintiffs and other student journalists by allowing and/or actively encouraging the Student Senate to drastically reduce *The Calumet's* funding based on the newspaper's content.

WHEREFORE, Plaintiffs seek judgment against Defendants for the following relief:

- (a) Entry of an Order granting temporary relief to Plaintiffs in the form of a Preliminary Injunction;
- (b) Entry of an Order declaring that *The Calumet* and its student reports have the right under the United States Constitution and amendments thereto to the exercise of freedom of speech and freedom of press, free from interferences by the EICC and Muscatine administrators;

- (c) Entry of an Order enjoining Defendants, and those acting at the direction of, or behalf of, the Defendants, from changing the role of newspaper advisor from a full-time faculty position to a part-time adjunct position;
- (d) Entry of an Order enjoining Defendants, and those acting at the direction of, or behalf of, the Defendants, from altering the academic schedule for fall 2015 to ensure that enrollment and involvement in *The Calumet* would decline;
- (e) Entry of an Order enjoining Defendants, and those acting at the direction of, or behalf of, the Defendants, from cutting funding for *The Calumet*;
- (f) Entry of an Order enjoining Defendants, and those acting at the direction of, or behalf of, the Defendants, from encouraging efforts by faculty members to threaten, intimidate, harass, and censor student journalists;
- (g) An award of Plaintiffs' costs of litigation, including reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988; and
- (h) An award of such other relief as this Court deems just and equitable.

Tuesday, May 5, 2015

Respectfully submitted,

*s/Glen S. Downey*

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Glen S. Downey  
AT0012428

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*/s/Bryan K. Clark*

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*\*Pro Hac Vice Motion forthcoming*