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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

DEFENDING EDUCATION,

*Plaintiff,*

v.

MARIA ANGUIANO, RUSTY AREIAS, ELAINE BATCHLOR, SONYA BROOKS, CARMEN CHU, MICHAEL COHEN, JOSE M. HERNANDEZ, MABELLE HUESTON, BRIAN KOMOTO, NANCY LEE, HADI MAKARECHIAN, ANA MATOSANTOS, ROBERT MYERS, LARK PARK, JANET REILLY, CHIP ROBERTSON, MARK ROBINSON, GREGORY SARRIS, JONATHAN SURES, ANN WANG, GAVIN NEWSOM, ELENI KOUNALAKIS, ROBERT RIVAS, AND TONY

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

**VERIFIED COMPLAINT**

**ACTION SEEKING  
STATEWIDE RELIEF**

1 THURMOND, each in their official ca-  
2 pacities as Regents; JAMES B. MILLI-  
3 KEN, in his official capacity as President  
4 of the UC System and Regent;  
5 RACHAEL NAVA, in her official ca-  
6 pacity as Executive Vice President and  
7 Chief Operating Officer of the UC Sys-  
8 tem; DIANNA HENDERSON, in her  
9 official capacity as Vice President of Sys-  
10 temwide Human Resources and Chief  
11 Human Resources Officer; CATHE-  
12 RINE CRISWELL SPEAR, in her offi-  
13 cial capacity as the Executive Director of  
14 the Systemwide Office of Civil Rights;  
15 NICOLI RICHARDSON, in her official  
16 capacity as the Systemwide Title IX Di-  
17 rector; JULIO FRENK, in his official  
18 capacity as the Chancellor of UCLA;  
19 MARK KRAUSE, in his official capacity  
20 as UCLA's Vice Chancellor and Chief  
21 Compliance and Audit Officer; MO-  
22 HAMMED CATO, in his official capac-  
23 ity as UCLA's Director of the Title IX  
24 Office; HOWARD GILLMAN, in his  
25 official capacity as the Chancellor of  
26 UCI; KIRSTEN K. QUANBECK, in  
27 her official capacity as UCI's Vice Chan-  
28 cellor for Equal Opportunity and Com-  
pliance; GWENDOLYN KUHNS  
BLACK, in her official capacity as UCI's  
Assistant Vice Chancellor for Equal Op-  
portunity and Diversity; TIERNEY AN-  
DERSON in her official capacity as  
UCI's Assistant Vice Chancellor for  
Equal Opportunity; PRADEEP K.  
KHOSLA, in his official capacity as the  
Chancellor of UCSD; SHENETHIA  
MANUEL, in her official capacity as  
UCSD's Chief Ethics and Compliance  
Officer; MICHAEL DIAZ, in his offi-  
cial capacity as UCSD's Director for the

1 Office of Prevention of Harassment and  
2 Discrimination,

3 *Defendants.*

4  
5 Plaintiff Defending Education brings this action under the First and Fourteenth  
6 Amendments to the United States Constitution, *see* 42 U.S.C. §1983, against Defend-  
7 ants and alleges as follows:  
8

9 **INTRODUCTION**

10 1. “If there is any fixed star in our constitutional constellation, it is that no  
11 official, high or petty, can prescribe what shall be orthodox in politics, nationalism,  
12 religion, or other matters of opinion or force citizens to confess by word or act their  
13 faith therein.” *West Virginia v. Barnette*, 319 U.S. 624, 642 (1943). Governments cannot  
14 ban speech merely because some find it “offensive.” *Papish v. Bd. of Curators of Univ. of*  
15 *Mo.*, 410 U.S. 667, 670 (1973). And they certainly cannot coerce speech on “matters of  
16 profound value and concern to the public” like “sexual orientation and gender iden-  
17 tity.” *Janus v. AFSCME*, 585 U.S. 878, 913-14 (2018) (cleaned up). This is especially  
18 true for colleges and universities, where students’ First Amendment rights are at their  
19 strongest. *See Healy v. James*, 408 U.S. 169, 180 (1972).  
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24 2. The University of California (UC) is flouting these fundamental princi-  
25 ples. Under the guise of combatting “sexual harassment,” UC has enacted a speech  
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1 code that punishes students for engaging in protected speech and discourages them  
2 from expressing views outside of the university-approved mainstream.

3  
4 3. UC's "Sexual Violence and Sexual Harassment" Policy contains a hostile-  
5 environment harassment provision that disciplines students who engage in "unwel-  
6 come ... sex-based conduct" that is "offensive" and "sufficiently severe, persistent *or*  
7 pervasive that" it "limits" or "interferes with a person's" educational experience. The  
8 Hostile-Environment Provision extends beyond the Supreme Court's standard for ac-  
9 tionable harassment in *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999),  
10 which was crafted precisely to avoid clashing with the First Amendment.  
11

12  
13 4. Indeed, according to UC, its Policy prohibits speech in addition to phys-  
14 ical conduct: "[S]ex-based conduct includes acts of verbal ... intimidatio[n] or hostility  
15 based on gender, gender identity, gender expression, sex- or gender-stereotyping, or  
16 sexual orientation." And it covers "derogatory names or slurs," "offensive terms," and  
17 "jokes." For example, students who voice dissenting opinions on transgender issues,  
18 like the belief that someone should "use a particular bathroom that does not corre-  
19 spond to their gender identity," can be punished under the Hostile-Environment Pro-  
20 vision.  
21

22  
23 5. Worse, the SVSH Policy goes on to state, in FAQ #14, that it prohibits  
24 the "intentional or repeated use of a name or pronoun inconsistent with [an] individ-  
25 ual's gender identity (i.e., misgendering)." FAQ #14 also prohibits students from  
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1 “intentionally and repeatedly call[ing]” someone by a “dead name (i.e., refer[ring] to a  
2 name that a transgender person was given at birth but that they no longer use).”

3  
4 6. Defending Education has members who attend UC System schools and  
5 whose protected speech is chilled by the SVSH Policy. The Hostile-Environment Pro-  
6 vision and FAQ #14 should be declared unconstitutional and Defendants should be  
7 enjoined from enforcing them.  
8

### 9 **JURISDICTION AND VENUE**

10 7. This action arises under the First and Fourteenth Amendments to the  
11 United States Constitution and is brought via 42 U.S.C. §§1983 and 1988.  
12

13 8. This Court has subject-matter jurisdiction under 28 U.S.C. §§1331 and  
14 1343.  
15

16 9. Venue is proper in this District and division under 28 U.S.C. §1391 be-  
17 cause some of the Defendants reside in this District and division and all Defendants  
18 reside in the State of California, and a substantial part of the events or omissions giving  
19 rise to the claims occurred in this District.  
20

### 21 **PARTIES**

22 10. Plaintiff Defending Education is a nationwide, grassroots, 501(c)(3) non-  
23 profit membership organization whose members include students, parents, and others  
24 who are concerned about the state of education in America. DE’s mission is to pre-  
25 vent—through advocacy, disclosure, and, if necessary, litigation—the politicization of  
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1 education. Defending Education is dedicated to preserving civil rights secured by law,  
2 including the freedom of expression guaranteed by the First Amendment. *Defending*  
3 *Education Newsroom – Litigation*, DE (archived June 10, 2026), [perma.cc/ZE5N-JBVA](https://perma.cc/ZE5N-JBVA)  
4 (cataloguing DE’s litigation efforts); *see, e.g., Defending Education v. Olentangy Local Sch.*  
5 *Dist. Bd. of Educ.*, 158 F.4th 732 (6th Cir. 2025) (en banc).  
6

7  
8 11. Defending Education’s members include students who attend UC System  
9 schools, including Students A, B, C, and D.

10 12. The University of California is a public university system in the State of  
11 California. The UC System is one university governed by the Regents of the University  
12 of California, composed of ten campuses across the State, including the University of  
13 California, Los Angeles; University of California, Irvine; and University of California,  
14 San Diego. The UC System creates policies and standards that govern all ten campuses.  
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17 13. Defendants Maria Anguiano, Rusty Areias, Elaine Batchlor, Sonya  
18 Brooks, Carmen Chu, Michael Cohen, Jose M. Hernandez, Mabelle Hueston, Brian  
19 Komoto, Nancy Lee, Hadi Makarechian, Ana Matosantos, Robert Myers, Lark Park,  
20 Janet Reilly, Chip Robertson, Mark Robinson, Gregory Sarris, Jonathan Sures, and Ann  
21 Wang are appointed regents of the UC System and are sued in their official capacities.  
22

23 14. Defendants Gavin Newsom, Eleni Kounalakis, Robert Rivas, and Tony  
24 Thurmond are ex officio regents of the UC System and are sued in their official capac-  
25 ities.  
26

1           15. Defendant James B. Milliken is the president of the University of Califor-  
2 nia and an ex officio regent of the UC System. Milliken has full authority and respon-  
3 sibility over the administration of all affairs and operations of the UC System. Milliken  
4 has been the UC President since 2025. Milliken is sued in an official capacity.  
5

6           16. Defendant Rachael Nava is the Executive Vice President and Chief Op-  
7 erating Officer of the UC System. Nava oversees the Operations division, including  
8 systemwide human resources and community safety. Nava is sued in an official capac-  
9 ity.  
10

11           17. Defendant Dianna Henderson is the Vice President of Systemwide Hu-  
12 man Resources and Chief Human Resources Officer. Henderson is responsible for  
13 systemwide human resources and programs. Henderson is sued in an official capacity.  
14

15           18. Defendant Catherine Criswell Spear is the Executive Director of the Sys-  
16 temwide Office of Civil Rights, which is composed of the systemwide Title IX, Anti-  
17 Discrimination, and Disability Rights offices. The Office provides systemwide guid-  
18 ance in these areas and “ensure[s] uniform interpretation and consistent implementa-  
19 tion of the” SVSH Policy. It also provides “leadership, training, education, and inves-  
20 tigative support” to local campuses in these areas. Civil rights officers at each campus  
21 “have a dual reporting line” to Spear. Spear is sued in an official capacity.  
22  
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24           19. Defendant Nicoli Richardson is the Systemwide Title IX Director. The  
25 systemwide Title IX office provides direction to the campus Title IX offices, “assist[s]  
26 in implementing systemwide initiatives and best practices in harassment prevention  
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28

1 and response,” and provides “investigative support” to campus offices. Richardson is  
2 responsible for ensuring UC’s compliance with the SVSH Policy. Richardson is sued  
3 in an official capacity.  
4

5 20. Defendant Julio Frenk is the Chancellor of UCLA. Frenk is responsible  
6 for administration and operation of the UCLA campus and oversees all UCLA faculty  
7 personnel and staff. Frenk is sued in an official capacity.  
8

9 21. Defendant Mark Krause is UCLA’s Associate Vice Chancellor and Chief  
10 Compliance and Audit Officer. Krause is responsible for ensuring UCLA management  
11 maintains compliance with applicable laws, regulations, and policies, including the  
12 SVSH Policy. Krause is sued in an official capacity.  
13

14 22. Defendant Mohammed Cato is UCLA’s Director of the Title IX Office,  
15 which is responsible for carrying out UC’s SVSH Policy. Cato is responsible for ac-  
16 cepting and handling reports of violations of the SVSH Policy. Cato is sued in an offi-  
17 cial capacity.  
18

19 23. Defendant Howard Gillman is the Chancellor of UCI. Gillman is respon-  
20 sible for administration and operation of the UCI campus and oversees all UCI faculty  
21 personnel and staff. Gillman is sued in an official capacity.  
22

23 24. Defendant Kirsten K. Quanbeck is UCI’s Vice Chancellor for Equal Op-  
24 portunity and Compliance. Quanbeck serves as UCI’s chief ethics and compliance of-  
25 ficer, responsible for ensuring UCI’s compliance with the SVSH Policy. Quanbeck also  
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1 oversees the Office of Equal Opportunity and Diversity. Quanbeck is sued in an offi-  
2 cial capacity.

3  
4 25. Defendant Gwendolyn Kuhns Black is UCI's Assistant Vice Chancellor  
5 for Equal Opportunity and Diversity, which is responsible for UCI's compliance with  
6 UC's SVSH Policy. Black is sued in an official capacity.

7  
8 26. Defendant Tierney Anderson is UCI's Assistance Vice Chancellor for  
9 Equal Opportunity. Anderson is also UCI's Title IX officer. Anderson is responsible  
10 for accepting and handling reports of violations of the SVSH Policy. Anderson is sued  
11 in an official capacity.

12  
13 27. Defendant Pradeep K. Khosla is the Chancellor of UCSD. Khosla is re-  
14 sponsible for administration and operation of the UCSD campus and oversees all  
15 UCSD faculty personnel and staff. Khosla is sued in an official capacity.

16  
17 28. Defendant Shenethia Manuel is UCSD's Chief Ethics and Compliance  
18 Officer. Manuel is responsible for evaluating UCSD's compliance with all laws, rules,  
19 and regulations, including the SVSH Policy. Manuel is sued in an official capacity.

20  
21 29. Defendant Michael Diaz is UCSD's Director of the Office for the Pre-  
22 vention of Harassment and Discrimination, which is responsible for assessing and in-  
23 vestigating reports of discrimination. Diaz is also UCSD's Title IX Officer and the  
24 local implementation officer for UC's Anti-Discrimination Policy, meaning Diaz is re-  
25 sponsible for accepting and handling reports of violations of the SVSH Policy. Diaz is  
26 sued in an official capacity.  
27  
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## BACKGROUND

### I. College Students and Their First Amendment Rights

30. “The First Amendment reflects ‘a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.’” *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). “The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it.” *Citizens United v. FEC*, 558 U.S. 310, 339 (2010).

31. The First Amendment’s importance is at its apex at our nation’s colleges and universities. “The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools [of higher education]. The college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas.’” *Healy*, 408 U.S. at 180 (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)). The core principles of the First Amendment “acquire a special significance in the university setting, where the free and unfettered interplay of competing views is essential to the institution’s educational mission.” *Doe v. Univ. of Mich.*, 721 F. Supp. 852, 863 (E.D. Mich. 1989) (citing *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)). “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Sweezy v. N.H. ex rel. Wyman*, 354 U.S. 234, 250 (1957).

1           32. The First Amendment’s protections, moreover, are “not confined to the  
2 supervised and ordained discussion which takes place in the classroom” but extend  
3 throughout a university’s campus. *Solid Rock Found. v. Ohio State Univ.*, 478 F. Supp. 96,  
4 102 (E.D. Ohio 1979).

6           33. Put simply, “First Amendment protections [do not] apply with less force  
7 on college campuses than in the community at large.” *Healy*, 408 U.S. at 180. “[T]he  
8 mere dissemination of ideas—no matter how offensive to good taste—on a state uni-  
9 versity campus may not be shut off in the name alone of ‘conventions of decency.’”  
10 *Papish*, 410 U.S. at 670. Indeed, “the point of all speech protection ... is to shield just  
11 those choices of content that in someone’s eyes are misguided, or even hurtful.” *Hurley*  
12 *v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, Inc.*, 515 U.S. 557, 574 (1995).  
13 These principles apply with more force “[i]n our current national condition,” not less.  
14 *Speech First v. Fenves*, 979 F.3d 319, 339 (5th Cir. 2020).

## 18       **II. The Growing Use of Speech Codes to Punish Student Speech Regarding** 19       **Gender Identity**

20           34. Instead of promoting the “robust exchange of ideas,” *Keyishian*, 385 U.S.  
21 at 603, universities now are often more interested in protecting students from ideas  
22 that make them uncomfortable. Universities do this by adopting policies and proce-  
23 dures that discourage speech by students who dare to disagree with the prevailing cam-  
24 pus orthodoxy.  
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1           35. One tried-and-true method of accomplishing this feat is the campus  
2 speech code. Speech codes, according to the Foundation for Individual Rights and  
3 Expression (FIRE), are “any university regulation or policy that prohibits expression  
4 that would be protected by the First Amendment in society at large.” *What Are Speech*  
5 *Codes?*, FIRE (archived Jun. 15, 2026), [perma.cc/6Z2K-P37A](https://perma.cc/6Z2K-P37A).  
6

7           36. Speech codes punish students for undesirable categories of speech such  
8 as “harassment,” “bullying,” “hate speech,” and “incivility.” But “anti-discrimination”  
9 and “anti-harassment” policies cannot be used as a sword to compel students to speak  
10 in the way the government dictates, contrary to their deeply held beliefs. That is why  
11 courts have a “long-standing hesitation to enforce anti-discrimination statutes in the  
12 speech context.” *Green v. Miss USA, LLC*, 52 F.4th 773, 792 (9th Cir. 2022); *see also*,  
13 *e.g., Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 204 (3d Cir. 2001) (Alito, J.) (“There  
14 is no categorical ‘harassment exception’ to the First Amendment’s free speech  
15 clause.”). Because speech codes impose vague, overbroad, content-based (and often  
16 viewpoint-based) restrictions on speech, they are unconstitutional. *Spotlight on Speech*  
17 *Codes 2020*, FIRE, at 10 & n.11 (2020), [perma.cc/G77E-4629](https://perma.cc/G77E-4629); *see Fenves*, 979 F.3d at  
18 338-39 & n.17 (collecting a “consistent line of cases that have uniformly found campus  
19 speech codes unconstitutionally overbroad or vague”).  
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22           37. One common category of disfavored speech that schools and universities  
23 are increasingly seeking to punish is speech regarding gender identity. Such policies  
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1 compel students to affirm beliefs they do not hold and that are incompatible with their  
2 deeply held convictions.

3  
4 38. One common example is a policy that requires students to use other stu-  
5 dents' "preferred pronouns," even if those pronouns are contrary to the other students'  
6 sex. While sex-specific personal pronouns ("he," "him," and "his," or "she," "her,"  
7 and "hers") have long been used for males and females respectively, some individuals  
8 are now adopting different pronouns, including new sets of "gender-neutral pro-  
9 nouns," that do not correlate with their biological sex. *See Bostock v. Clayton County*, 590  
10 U.S. 644, 731 (2020) (Alito, J., dissenting); *see also, e.g., United States v. Varner*, 948 F.3d  
11 250, 257 (5th Cir. 2020). A "preferred pronoun" policy requires others to adopt a stu-  
12 dent's chosen pronouns when referring to the student, even if different from his or her  
13 biological sex.  
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16  
17 39. "Preferred pronoun policies" subject students to formal discipline for re-  
18 ferring to other students according to the pronouns that are consistent with their bio-  
19 logical sex rather than their gender identity. Under these types of policies, a student  
20 who uses "he" or "him" when referring to a biological male who identifies as a female  
21 will be punished for "misgendering" that student. *See, e.g., Olentangy*, 158 F.4th at 738  
22 (enjoining operation of school district's preferred-pronoun policy).  
23

24  
25 40. Such policies "li[e] at the crossroads of competing visions of family and  
26 faith, for which people of goodwill in our country can have different perspectives."  
27 *Bates v. Pakseresht*, 146 F.4th 772, 783 (9th Cir. 2025). "As part of the broader debate  
28

1 over transgender rights, the question whether speakers should use preferred pronouns  
2 to refer to transgender individuals—and whether we should treat the commonplace  
3 (and non-antagonistic) use of biological pronouns as proper or offensive—has stirred  
4 a ‘passionate political and social debate’ in our society.” *Olentangy*, 158 F.4th at 753; *see*  
5 *also Janus*, 585 U.S. at 913-14 (explaining that “sexual orientation and gender identity”  
6 are “sensitive political topics [that] are undoubtedly matters of profound value and  
7 concern to the public” (cleaned up)). “Never before have titles and pronouns been  
8 scrutinized as closely as they are today for their power to validate—or invalidate—  
9 someone’s perceived sex or gender identity.” *Meriwether v. Hartop*, 992 F.3d 492, 509  
10 (6th Cir. 2021).

14 41. So it is unsurprising that “titles and pronouns carry a message.” *Id.* at 507.  
15 When, as here, schools adopt policies barring misgendering, they “recogniz[e] that and  
16 wan[t] [their] [school officials and students] to use pronouns to communicate a mes-  
17 sage: People can have a gender identity inconsistent with their sex at birth.” *Id.* Simi-  
18 larly, the “continued refusal to address [a biological male] as a woman” (or vice versa)  
19 “advance[s]” the contrary view “that sex is fixed in each person from the moment of  
20 conception, and that it cannot be changed, regardless of an individual’s feelings or de-  
21 sires.” *Id.* at 509 (cleaned up). Simply put, “[p]ronouns can and do convey a powerful  
22 message implicating a sensitive topic of public concern.” *Id.* at 508; *see also Green*, 52  
23 F.4th at 784 n.12 (explaining that “for controversies regarding transgenderism,” “an  
24 individual’s use or omission of certain words and phrases in this context often reflects  
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1 a ‘struggle over the social control of language in a crucial debate about the nature and  
2 foundation, or indeed real existence, of the sexes”).

3  
4 42. The Constitution prohibits the government from putting its thumb on  
5 the scale in this debate. But requiring someone to affirm someone else’s gender identity  
6 does just that. It forces the speaker to take “a side in that debate,” even when it is  
7 contrary to the person’s deeply held convictions. *Meriwether*, 992 F.3d at 509.

8  
9 43. Whether a public university is compelling students to use a preferred pro-  
10 noun, contrary to sex, or prohibiting students from using preferred pronouns, contrary  
11 to sex, the university is transgressing the First Amendment. *See Bates*, 146 F.4th at 786  
12 (pronoun policies both “restric[t] and requir[e] speech based on content and view-  
13 point”); *Meriwether*, 992 F.3d at 506 (“By defendants’ logic, a university could likewise  
14 prohibit professors from addressing university students by their preferred gender pro-  
15 nouns—no matter the professors’ own views. And it could even impose such a re-  
16 striction while denying professors the ability to explain to students why they were doing  
17 so.”). The university cannot impose its preferred viewpoint (*e.g.*, persons can transition  
18 genders) over another (*e.g.*, sex is immutable). “To hold differently would be to treat  
19 religious [or traditionally conservative] expression as second-class speech.” *Kennedy v.*  
20 *Bremerton Sch. Dist.*, 597 U.S. 507, 531 (2022).

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25 44. The consequences of these unconstitutional speech policies are unsur-  
26 prising. As such policies have proliferated on American campuses, so too has the num-  
27 ber of students who believe they are not free to express controversial opinions on  
28

1 campus. According to a recent survey of almost 70,000 American college students,  
2 roughly half of those surveyed report feeling uncomfortable expressing their views on  
3 controversial political topics in class or in conversations with other students. *2026 Col-*  
4 *lege Free Speech Rankings*, FIRE, at 25 (2026), [perma.cc/M9LW-RSRJ](https://perma.cc/M9LW-RSRJ). Especially relevant  
5 here, 41% of students say it is “difficult” to have an “open and honest conversation”  
6 about transgender issues on their campus. *Id.* at 5. And on the other side of the coin, a  
7 full 74% of students say that a visiting speaker who believes that “[t]ransgender people  
8 have a mental disorder” “definitely” or “probably” shouldn’t be allowed to speak. *Id.*  
9 at 26. Well over half of surveyed students report self-censoring in conversations with  
10 other students and with professors. *Id.* at 26. And this free-speech crisis is politically  
11 lopsided. Students who identify as moderate or conservative are less comfortable ex-  
12 pressing their views on controversial topics and feel compelled to self-censor more  
13 frequently than their liberal peers. *2025 College Free Speech Rankings*, FIRE, at 24, 26  
14 (2025), [perma.cc/K86J-MQW](https://perma.cc/K86J-MQW).

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19 45. The University of California System is no exception. In a 2026 free speech  
20 ranking of American colleges, UCLA, UCSD, and UCI all received an “F” grade for  
21 their speech climates. *College Free Speech Rankings*, FIRE (2026) (UCLA:  
22 [perma.cc/9V7M-7BWQ](https://perma.cc/9V7M-7BWQ)) (UCSD: [perma.cc/C424-Y699](https://perma.cc/C424-Y699)) (UCI: [perma.cc/4ZAR-](https://perma.cc/4ZAR-CH7A)  
23 [CH7A](https://perma.cc/4ZAR-CH7A))  
24  
25

26 46. Those “F” grades are well-earned. Examples of speech suppression  
27 abound on UC’s campuses. Last year, for example, a student at UCI was subject to  
28

1 disciplinary proceedings for having a doormat outside her campus apartment that read  
2 “No Warrant. No Entry.” Graham Piro, *UC Irvine is crusading over student doormats—and*  
3 *wiping its feet on the Constitution*, FIRE (May 15, 2025), [perma.cc/HFV5-9H78](https://perma.cc/HFV5-9H78). The stu-  
4 dent and several others were charged with violating the school’s ban on doormats with  
5 “words or images,” and those disciplinary charges were only dropped after publicity.  
6

7 *Id.*

8  
9 47. Just this past spring, at a speaking event at UCLA hosted by the UCLA  
10 Federalist Society chapter, the general counsel of the Department of Homeland Secu-  
11 rity was disrupted by protestors booing and playing alarm sounds on their phone  
12 throughout the entirety of the speech. *See* Andrew Mark Miller, *Watch: Chaos erupts as*  
13 *leftists interrupt conservative group’s UCLA event featuring DHS lawyer*, Fox News (Apr. 22,  
14 2026), [perma.cc/B5R3-96FF](https://perma.cc/B5R3-96FF). Administrators did nothing to stop the disruption, and  
15 instead claimed the fact that the event “proceeded to its conclusion” was an example  
16 of UCLA’s free speech “principles in practice.” *Id.*

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18  
19 48. Rather than punish the offenders, shortly after the event, a UCLA admin-  
20 istrator threatened the Federalist Society students. Madison Colombo, *UCLA official*  
21 *warns conservative law students they face discipline for identifying liberal protesters*, Fox News (Apr.  
22 28, 2026), [perma.cc/ZU6K-ZWGQ](https://perma.cc/ZU6K-ZWGQ). The administrator “encourage[ed] ... organizers  
23 to not disclose” the identities of protestors publicly. She threatened that the Federalist  
24 Society chapter and individual students could be “subjected to campus processes” for  
25  
26  
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28

1 potential “prohibited behavior per the Student Code of Conduct” if “that information  
2 is shared.” *Id.*

3  
4 49. At another event this spring at UC Berkeley, organizers were forced to  
5 shut down their program after protestors interrupted. Madeleine Kashkooli, *Protestors*  
6 *shut down Berkeley Forum event hosting Google AI scientist*, Daily Californian (May 1, 2026)  
7 [perma.cc/Q2CD-UY44](https://perma.cc/Q2CD-UY44). The Berkeley Forum and College of Engineering sponsored  
8 an event with Google Chief scientist and Gemini lead Jeff Dean. *Id.* Protestors took  
9 over the stage with a megaphone and refused to let Dean speak. Campus police officers  
10 and university officials were in the room, but the organizers had to end the event when  
11 the protestors refused to leave or allow Dean to finish his lecture. *Id.*

### 14 **III. UC’s Speech Codes**

15  
16 50. In line with this growing—and unconstitutional—trend, the University  
17 of California System has adopted a “Sexual Violence and Sexual Harassment” (SVSH)  
18 Policy that unconstitutionally impinges on students’ free speech rights. UC issued a  
19 revised version of the SVSH Policy on December 22, 2025. The Policy became effec-  
20 tive on January 1, 2026. The Policy “applies at all University campuses,” including  
21 UCLA, UCI, and UCSD. And it applies to everyone connected with the UC System,  
22 including all undergraduate, graduate, and professional students.

23  
24  
25 51. The revised SVSH Policy violates the Constitution in two ways: One, the  
26 SVSH Policy prohibits broad categories of protected speech that do not constitute  
27 actionable harassment. Two, the SVSH Policy punishes students who use language that  
28

1 does not affirm another person’s gender identity—through the use of preferred pro-  
2 nouns, chosen names and other so-called gender-affirming language—when that iden-  
3 tity is inconsistent with the person’s biological sex.  
4

5 **A. The Hostile-Environment Provision**

6 52. The SVSH Policy prohibits, among other things, “sexual harassment.”  
7

8 53. The SVSH Policy contains the Hostile-Environment Provision, which  
9 defines “sexual harassment” to include a “hostile environment,” which is “unwelcome  
10 sexual or other sex-based conduct [that] is sufficiently severe, persistent or pervasive  
11 that it unreasonably denies, adversely limits, or interferes with a person’s participation  
12 in or benefit from the education, employment or other programs or activities of the  
13 University, and creates an environment that a reasonable person would find to be in-  
14 timidating or offensive.”  
15  
16

17 54. “Other sex-based conduct” is defined to include “acts of verbal, nonver-  
18 bal, or physical aggression, intimidation, or hostility based on gender, gender identity,  
19 gender expression, sex- or gender-stereotyping, or sexual orientation.”  
20

21 55. UC leaves no doubt that its ban on hostile-environment harassment co-  
22 vers protected speech. In addition to clarifying that “verbal” speech generally can vio-  
23 late the Provision, UC offers a non-exhaustive set of “examples” of prohibited lan-  
24 guage. That list includes the use of “derogatory names or slurs” or other “offensive  
25 terms.” It also includes “jokes” made about someone’s “sexual orientation.”  
26  
27  
28

1           **B.     FAQ #14**

2           56.     In its Frequently Asked Questions section (FAQ #14), the SVSH Policy  
3 states that “intentional or repeated use of a name or pronoun inconsistent with the  
4 individual’s gender identity (i.e., misgendering)” is a type of “harassment” that is “Pro-  
5 hibited Conduct under this Policy.”

6  
7           57.     FAQ #14 further prohibits “intentionally and repeatedly call[ing]” an-  
8 other person by a “dead name,” which means “refer[ring] to a name that a transgender  
9 person was given at birth but that they no longer use.”

10  
11           **C.     Enforcement**

12           58.     The Hostile-Environment Provision and FAQ #14 apply broadly, cover-  
13 ing speech that occurs during any UC program or activity, on any campus or other UC  
14 property, and even off-campus and unrelated to a UC program or activity so long as  
15 there are “continuing adverse effects on” or a “hostile environment” for students. The  
16 SVSH Policy prohibits speech whether it occurs in person, over the internet, or via  
17 “other devices or forms of contact.”

18  
19           59.     It is easy for a student engaging in prohibited speech to be reported. “Any  
20 person can report conduct that may be Prohibited Conduct,” regardless of whether  
21 they were the object of the prohibited conduct. Complaints can be submitted anony-  
22 mously.

23  
24           60.     In addition, most UC employees are required to report suspicions of pro-  
25 hibited conduct, even if they did not personally witness the conduct and even if they  
26  
27  
28

1 are not sure that the conduct actually occurred. “If a Responsible Employee,” which  
2 includes “[a]ny University employee who is not” acting in a “confidential capacity,”  
3 “learns ... that a student may have experienced prohibited conduct ..., they must  
4 promptly notify” their campus’s enforcing authority. “This includes resident assistants,  
5 graduate teaching assistants, and all other student employees.”  
6

7  
8 61. The SVSH Policy has “no time limit for reporting.” For example, if a  
9 student “misgenders” another student, that student (or anyone else who learned of it)  
10 could wait months or even years after the incident to report it.

11  
12 62. Reports can be made to the Title IX officer at each campus, or to any  
13 Responsible Employee or “appropriate office,” who will forward it to the Title IX  
14 officer. UCLA, UCSD, and UCI allow reports to be made online via reporting forms,  
15 via email, over the phone, or in person.  
16

17  
18 63. UC officials will “respond promptly and equitably to reports of Prohib-  
19 ited Conduct” and will “take prompt and effective steps reasonably calculated to stop  
20 the violation, prevent its recurrence, and, as appropriate, remedy its effects.”

21  
22 64. UC officials can also take action themselves, *without* a report, if they iden-  
23 tify a “pattern of alleged sexually harassing conduct toward multiple people by the same  
24 Respondent that would, in the aggregate, create a hostile environment” or if they see  
25 “allegations of Prohibited Conduct covered by this Policy in the public realm (such as  
26 reports in the news or social media).”  
27  
28

1           65. “Consequences of engaging in Prohibited Conduct” include discipline  
2 “up to and including dismissal” from the UC System. Short of that, UC threatens pun-  
3 ishments including “revocation” of an awarded academic degree, “[s]uspension,”  
4 “[e]xclusion” from areas of the campus or UC functions, “[e]xclusion from participa-  
5 tion in designated privileges and activities for a specified period of time,” “[d]isciplinary  
6 probation” that can likewise “restric[t] the student’s privileges or eligibility for activi-  
7 ties,” “removal from university housing,” and “written notice or reprimand to the stu-  
8 dent that a violation ... has occurred and that continued or repeated violations ... may  
9 be cause for further disciplinary action.” Other consequences could include “educa-  
10 tional efforts, employment consequences, or educational consequences” and “informal  
11 counseling.”  
12

13  
14  
15           66. If the Title IX officer determines that “the reported conduct is not Pro-  
16 hibited Conduct,” the officer may nevertheless “refer the matter to another office for  
17 review and resolution.”  
18

19           67. Campus Title IX officers are also required to “keep records of reports of  
20 Prohibited Conduct, and any actions taken in response to reports, including records”  
21 of “investigations, resolutions, and disciplinary action.”  
22

#### 23           **D. UC’s SHAPE Training**

24           68. There is no question that UC schools will aggressively enforce violations  
25 of the SVSH Policy, including the Hostile-Environment Provision and FAQ #14. Stu-  
26 dents at UC System schools must complete mandatory training—the “Sexual  
27  
28

1 Harassment, Anti-Discrimination, Prevention and Education” (SHAPE) training—to  
2 ensure their understanding of the SVSH Policy. *See* Esther Wickham, *UC System Man-*  
3 *dates Training Affirming Gender Ideology*, The Center Square (Nov. 3, 2025)  
4 [perma.cc/6RKB-2VG7](https://perma.cc/6RKB-2VG7); Spencer Brown, *UC San Diego Requires Students to Embrace Rad-*  
5 *ical Gender Ideology to Register for Classes*, YAF (Sept. 17, 2025) [perma.cc/WD9K-4WLW](https://perma.cc/WD9K-4WLW).  
6

7  
8 69. When discussing supposed discrimination based on gender identity, the  
9 SHAPE training gives the following example:

10 My name is Mona, and I am transgender. My classmate Jane continues to  
11 call me James, which was my name before I transitioned. Jane refers to  
12 me as a man and complains when I use the women’s restroom. I’ve asked  
13 her to stop, but she does not. I feel very disrespected and want this to  
stop.

14 Students are asked to decide “what kind of prohibited conduct” the scenario describes.  
15 The correct answer to that question is “hostile environment.” Students are not given  
16 the option to say that the speech is not harassment.  
17

18 70. The SHAPE training further states that a “hostile environment may be  
19 created when someone demands that others use a particular bathroom that does not  
20 correspond to their gender identity or uses the incorrect pronoun.” *Id.* It also explains  
21 that “[i]ntentionally calling someone their name used before transition, as opposed to  
22 their lived name, is called dead-naming, and may be a form of sexual harassment.” *Id.*  
23

24 71. All students—undergraduate, graduate, professional, and transfer—are  
25 required to complete the SHAPE training. Students must complete the training at least  
26 once per academic year. Students who do not complete the SHAPE training receive a  
27  
28

1 “hold” on their student account that can prevent them from registering for the upcom-  
2 ing semester, enrolling in classes, or using their campus’s recreational facilities.

3  
4 **E. The University’s “Anti-Discrimination” Policy**

5 72. UC also issued a revised version of its “Anti-Discrimination” policy on  
6 December 1, 2025. The policy became effective on January 1, 2026. Like the SVSH  
7 Policy, the Anti-Discrimination Policy “applies at all University campuses,” including  
8 UCLA, UCI, and UCSD.

9  
10 73. The Anti-Discrimination Policy similarly prohibits “harassment” through  
11 a “hostile environment” based on a person’s membership in a “Protected Category.”  
12 Protected categories include “race, religion, color, citizenship, national or ethnic origin,  
13 ancestry, sex (including pregnancy, childbirth, lactation or related medical conditions),  
14 gender, gender identity, gender expression, gender transition, sexual orientation, phys-  
15 ical or mental disability (including having a history of a disability or being regarded as  
16 being disabled), medical condition (cancer-related or genetic characteristics), predis-  
17 posing genetic information (including family medical history), marital status, age (at  
18 least 40 years of age in employment context), or veteran or military status.”

19  
20  
21  
22 74. The Anti-Discrimination Policy is broader than the SVSH Policy. The  
23 Anti-Discrimination Policy states that it “addresses Harassment that is not covered  
24 under the University’s Policy on Sexual Violence and Sexual Harassment.”  
25  
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28

1 **IV. The Effect of UC’s Policies on Defending Education’s Members**

2 75. Defending Education’s members who attend UC System schools are suf-  
3 fering concrete injuries as a result of UC’s unconstitutional actions. These students  
4 want to engage in speech covered by the SVSH Policy, but they credibly fear that the  
5 expression of their deeply held views will lead to punishment.  
6

7 76. Student A is a member of DE and is an incoming Senior at UCLA.  
8

9 77. Student A believes that people are either male or female. She does not  
10 believe that “gender identity” is a coherent category separate from biological sex. She  
11 does not believe people can switch between genders. She does not think it is appropri-  
12 ate to refer to someone using biologically inaccurate “preferred pronouns” or “chosen  
13 names.” Using non-biological pronouns would conflict with her deeply held beliefs,  
14 both based on her religious views and biological reality.  
15

16 78. Student A has no ill-will towards people who identify as transgender or  
17 nonbinary, but she does not want to be forced to affirm that a biologically female  
18 classmate is actually a male—or vice versa—or that a classmate is “nonbinary” and  
19 neither male nor female. In fact, she thinks that affirming someone’s non-biological  
20 “gender identity” is harmful to that person because it encourages him to believe a false-  
21 hood about himself and discourages him from seeking proper care to address his gen-  
22 der dysphoria.  
23  
24

25 79. If Student A were to refer to a biological male as “she” instead of “he,”  
26 she would be lying to herself and others, and she would be communicating an idea and  
27  
28

1 belief that she firmly disagrees with. In addition, Student A believes that using birth  
2 names and biologically accurate pronouns sends a powerful message and reminder that  
3 a person was born a male or a female and that cannot change based on their personal  
4 preferences. Being compelled to use an individual's preferred pronouns or names pre-  
5 vents Student A from expressing that core belief—and, in effect, surrenders the debate  
6 before it begins.  
7

8  
9 80. Student A has many classmates who identify as transgender or nonbinary,  
10 and she regularly comes in contact with other members of the UCLA community who  
11 identify as transgender or nonbinary.  
12

13 81. When issues involving gender identity arise in class, on campus, or relat-  
14 ing to school programs, Student A wants to speak about these topics and repeatedly  
15 state her belief that biological sex is immutable. For example, when gender issues come  
16 up in class, Student A wants to voice her view that a person cannot transition from  
17 one gender to another.  
18

19 82. In addition, Student A wishes to use pronouns and given names that are  
20 consistent with a classmate's biological sex, rather than the classmate's "preferred pro-  
21 nouns" or "chosen names"—*i.e.*, the pronouns and name the classmate has decided  
22 reflect the classmate's gender identity. She wants to refer to biological males as "he,"  
23 not "she," and biological females as "she," not "he." She wishes to use the pronouns  
24 and names that are consistent with her classmates' biological sex repeatedly and at all  
25 times, including inside and outside the classroom, in the classmates' presence, and  
26  
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1 when referring to the classmates outside their presence. For example, when participat-  
2 ing in discussions during class, Student A wants to say, “I agree with *his* argument,”  
3 when referring to a biological male classmate, even though he identifies himself with  
4 female pronouns. Student A understands that this speech will be considered “hostile,”  
5 “aggressive,” and “intimidating” to those who want to go by different pronouns. She  
6 has no ill will against those students, but she wants to express her deeply held views.  
7

8  
9 83. Student A also believes that people should use the intimate spaces, like  
10 restrooms, locker rooms, and dorm rooms, that correspond to their biological sex. As  
11 a woman on campus, Student A regularly sees biological men using intimate spaces  
12 reserved for women and it makes her profoundly uncomfortable. She leaves the re-  
13 stroom when this happens and goes to find a different one. She would like to speak  
14 publicly about these topics and repeatedly state her view that spaces reserved for  
15 women should only be used by biological women.  
16  
17

18 84. Student A also wants to communicate her beliefs about controversial top-  
19 ics, including gender identity, on a regular basis and using her personal phone, com-  
20 puter, and on social media. She wants to discuss these topics with other students and  
21 the broader UCLA community both on and off campus, including during off-campus  
22 events with no connection to any school-related activity.  
23  
24

25 85. Student A self-censors, however, because she fears that expressing her  
26 belief that sex is immutable—by using biologically accurate pronouns or otherwise ex-  
27 plaining her views—will cause her to be punished for violating UC policies.  
28

1           86. Student A is aware that she can be punished for “harassment” which is  
2 “unwelcome sexual or other sex-based conduct [that] is sufficiently severe, persistent  
3 or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s  
4 participation in or benefit from the education, employment or other programs or ac-  
5 tivities of the University and creates an environment that a reasonable person would  
6 find to be intimidating or offensive,” and that “sex-based conduct” includes “acts of  
7 verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender,  
8 gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.”  
9 Student A is also aware that she can be punished for “intentional or repeated use of a  
10 name or pronoun inconsistent with an individual’s gender identity.”  
11  
12  
13

14           87. For example, Student A refrains from using pronouns and avoids con-  
15 versations involving sex and gender in public because of UC’s policies. When she is  
16 called on in class, Student A feels like she has no choice except to tell professors what  
17 they want to hear and phrase her answers as narrowly as possible, because she knows  
18 that openly expressing her convictions can lead to disciplinary action. She also avoids  
19 putting herself in a situation where conversations about gender identity might come  
20 up.  
21  
22

23           88. For example, when asked her pronouns in online class discussion ques-  
24 tions or in-class icebreakers, Student A skips the question and hope no one notices.  
25 And when she sees a biological man in the women’s restroom, Student A leaves rather  
26 than voicing her opinion that those spaces should be reserved for women.  
27  
28

1 89. Student A’s fear of speaking out is informed by years of personal experi-  
2 ence with UCLA and its officials. For example, Student A’s professors often state their  
3 pronouns in their syllabi and ask students to share their pronouns at the start of class,  
4 and they do not leave room for other views on gender ideology. These actions, com-  
5 bined with Student A’s knowledge of UC’s harassment and anti-discrimination policies,  
6 create a university environment that makes her deeply uncomfortable and afraid to  
7 share her views.  
8

9  
10 90. Student A was required to take UC’s Sexual Harassment, Anti-Discrimi-  
11 nation, Prevention and Education (SHAPE) training, which included discussion and  
12 quiz questions about the harassment and anti-discrimination policies. Because she de-  
13 layed taking it, Student A was prevented from registering for classes on time.  
14

15 91. Student A is also aware that, according to UC, “intentionally and repeat-  
16 edly call[ing]” another student by his or her “dead name” or biological pronouns is  
17 considered “deadnaming” and “misgendering,” and constitutes harassment.  
18

19 92. Student A wants to be educated in an environment that involves the free  
20 exchange of ideas and to be free to express her beliefs, even if others disagree with  
21 them or find them offensive. She does not want to be forced to affirm beliefs about  
22 gender identity that are inconsistent with her deeply held convictions.  
23

24 93. Under UC’s policies, however, Student A can be punished for the things  
25 she wants to say, including expressing opinions about the immutable nature of biolog-  
26 ical sex, using pronouns that are not a student’s “preferred pronouns,” disagreeing with  
27  
28

1 students' assertions about whether they are male or female, stating that biological males  
2 who identify as female should not be allowed to compete in women's sports, and ex-  
3 pressing discomfort about sharing bathrooms and other intimate spaces with teachers  
4 or students of the opposite biological sex.  
5

6 94. Student A fears that she will be subjected to formal discipline unless she  
7 affirms ideas that are inconsistent with her deeply held beliefs. Such discipline for  
8 speech consistent with her deeply held convictions is detrimental to her school expe-  
9 rience.  
10

11 95. Student A also fears that repeatedly being subject to discipline for stating  
12 her beliefs will subject her to reputational harm and personal attacks from other stu-  
13 dents and members of the UCLA community.  
14

15 96. Student A's fear of being disciplined for stating her beliefs has caused her  
16 emotional and psychological harm. It has caused her to question whether she should  
17 follow her conscience and faith, or remain silent and affirm viewpoints contrary to her  
18 beliefs.  
19

20 97. Student B is a member of DE and a Senior at UCSD. He is taking summer  
21 classes and will graduate at the end of the summer quarter.  
22

23 98. Student B believes that people are either male or female. He does not  
24 believe that "gender identity" is a coherent category separate from biological sex. He  
25 does not believe people can switch between genders. He does not think it is appropriate  
26 to refer to someone using biologically inaccurate "preferred pronouns" or "chosen  
27  
28

1 names.” Using non-biological pronouns would conflict with his deeply held beliefs,  
2 based on his religious views, biological reality, and morality.

3  
4 99. Student B has no ill-will towards people who identify as transgender or  
5 nonbinary, but he does not want to be forced to affirm that a biologically female class-  
6 mate is actually a male—or vice versa—or that a classmate is “nonbinary” and neither  
7 male nor female. In fact, Student B thinks that affirming someone’s non-biological  
8 “gender identity” is harmful to that person because it encourages him to believe a false-  
9 hood about himself and discourages him from seeking proper care to address his gen-  
10 der dysphoria.  
11

12  
13 100. If Student B were to refer to a biological male as “she” instead of “he,”  
14 he would be lying to himself and others, and he would be communicating an idea and  
15 belief that he firmly disagrees with. In addition, he believes that using birth names and  
16 biologically accurate pronouns sends a powerful message and reminder that a person  
17 was born a male or a female and that cannot change based on their personal prefer-  
18 ences. Being compelled to use an individual’s preferred pronouns or names prevents  
19 Student B from expressing that core belief—and, in effect, surrenders the debate be-  
20 fore it begins.  
21

22  
23 101. Student B regularly interacts with other students and members of the  
24 UCSD community who identify as transgender or nonbinary and has had a teaching  
25 assistant who identifies as transgender or nonbinary.  
26  
27  
28

1           102. When issues involving gender identity arise in class, on campus, or relat-  
2 ing to school programs, Student B wants to speak about these topics and repeatedly  
3 state his belief that biological sex is immutable.  
4

5           103. In addition, Student B wishes to use pronouns and given names that are  
6 consistent with a classmate's biological sex, rather than the classmate's "preferred pro-  
7 nouns" or "chosen name"—*i.e.*, the pronouns and name the classmate has decided  
8 reflect the classmate's gender identity. He wants to refer to biological males as "he,"  
9 not "she," and biological females as "she," not "he." He wishes to use the pronouns  
10 and names that are consistent with his classmates' and professors' biological sex re-  
11 peatedly and at all times, including inside and outside the classroom, in the classmates'  
12 presence, and when referring to the classmates outside their presence. For example,  
13 when participating in discussions during on-campus activities, Student B wants to say,  
14 "I agree with *his* argument," when referring to a biological male classmate, even though  
15 he identifies himself with female pronouns. Student B understands that this speech will  
16 be considered "hostile," "aggressive," and "intimidating" to those who want to go by  
17 different pronouns. He has no ill will against those students, but he wants to express  
18 his deeply held views.  
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23           104. Student B also believes that people should use the intimate spaces, like  
24 restrooms, locker rooms, and dorm rooms, that correspond to their biological sex. And  
25 Student B believes that women's sports should be reserved for biological women.  
26  
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1 Student B would like to speak publicly about these topics and repeatedly state his view  
2 that spaces reserved for women should only be used by biological women.

3  
4 105. Student B also wants to communicate his beliefs about controversial top-  
5 ics, including gender identity, on a regular basis and using his personal phone, com-  
6 puter, and on social media. He wants to discuss these topics with other students and  
7 the broader UCSD community both on and off campus, including during off-campus  
8 events with no connection to any school-related activity.

9  
10 106. Student B participates in many discussions about UCSD in online com-  
11 munities, and he wants to voice his opinion on these topics without fear that he might  
12 be reported for violating UC's policies. For example, when gender issues come up in  
13 online discussions, Student B wants to voice his view that sex is immutable and that a  
14 person cannot transition from one gender to another. In online debates about men  
15 who identify as women participating in women's sports, he wants to say, "It is unfair  
16 for him to participate because men are bigger, faster, and stronger on average, and his  
17 participation makes women's sports unsafe for women."  
18

19  
20 107. Student B self-censors, however, because he fears that expressing his be-  
21 lief that sex is immutable—by using biologically accurate pronouns or otherwise ex-  
22 plaining his views—will cause him to be punished for violating UC's policies.  
23

24  
25 108. Student B is aware that he can be punished for "harassment" which is  
26 "unwelcome sexual or other sex-based conduct [that] is sufficiently severe, persistent  
27 or pervasive that it unreasonably denies, adversely limits, or interferes with a person's  
28

1 participation in or benefit from the education, employment or other programs or ac-  
2 tivities of the University and creates an environment that a reasonable person would  
3 find to be intimidating or offensive,” and that “sex-based conduct” includes “acts of  
4 verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender,  
5 gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.”  
6 Student B is also aware that he can be punished for “intentional or repeated use of a  
7 name or pronoun inconsistent with an individual’s gender identity.”  
8  
9

10 109. For example, Student B refrains from using pronouns and avoids conver-  
11 sations involving sex and gender in public because of UC’s policies. When he is called  
12 on in class, he feels like he has no choice except to tell professors what they want to  
13 hear and phrase his answers as narrowly as possible, because he knows that openly  
14 expressing his convictions can lead to disciplinary action. Student B is often asked  
15 about his pronouns in campus-related programs, and he refrains from answering and  
16 hopes no one notices. He never states his true view that gender cannot change.  
17  
18

19 110. When talking with students who have preferred pronouns different from  
20 their biological pronouns, Student B avoids using pronouns altogether. And when dis-  
21 cussions about gender come up on online forums, he participates by encouraging ci-  
22 vility and dialogue, but he avoids sharing his own views.  
23  
24

25 111. Student B’s fear of speaking out is informed by years of personal experi-  
26 ence with UCSD and its officials. For example, he witnessed students vandalize posters  
27 advertising an event on campus about boys in girls’ sports by covering the posters in  
28

1 stickers depicting Charlie Kirk's death, and others online celebrate the vandalism. The  
2 lack of response from UCSD to his fellow classmates' attempt to have a reasonable  
3 discussion about this salient issue, combined with his knowledge of UC's harassment  
4 and anti-discrimination policies, create a university environment that makes him deeply  
5 uncomfortable and afraid to share his views.  
6

7  
8 112. Student B was required to take UC's Sexual Harassment, Anti-Discrimi-  
9 nation, Prevention and Education (SHAPE) training, which included discussion and  
10 quiz questions about the harassment and anti-discrimination policies. Student B was  
11 informed that if he did not take the training, he would be unable to register for classes.  
12

13 113. Student B is also aware that, according to UC, "intentionally and repeat-  
14 edly call[ing]" another student by his or her "dead name" or biological pronouns is  
15 considered "deadnaming" and "misgendering," and constitutes harassment.  
16

17 114. Student B wants to be educated in an environment that involves the free  
18 exchange of ideas and to be free to express his beliefs, even if others disagree with  
19 them or find them offensive. He does not want to be forced to affirm beliefs about  
20 gender identity that are inconsistent with his deeply held convictions. He also wants to  
21 engage in robust debate on these issues with campus organizations and other students.  
22

23 115. Under UC's policies, however, Student B can be punished for the things  
24 he wants to say, including expressing opinions about the immutable nature of biological  
25 sex, using pronouns that are not a student's "preferred pronouns," disagreeing with  
26 students' assertions about whether they are male or female, stating that biological males  
27  
28

1 who identify as female should not be allowed to compete in women’s sports, and ex-  
2 pressing discomfort about sharing bathrooms and other intimate spaces with teachers  
3 or students of the opposite biological sex.  
4

5 116. Student B fears that he will be subjected to formal discipline unless he  
6 affirms ideas that are inconsistent with his deeply held beliefs. Such discipline for  
7 speech consistent with his deeply held convictions is detrimental to his school experi-  
8 ence.  
9

10 117. Student B also fears that repeatedly being subject to discipline for stating  
11 his beliefs will subject him to reputational harm and personal attacks from other stu-  
12 dents and members of the UCSD community.  
13

14 118. Student B’s fear of being disciplined for stating his beliefs has caused him  
15 emotional and psychological harm. It has caused him to question whether he should  
16 follow his conscience and faith or remain silent and affirm viewpoints contrary to his  
17 beliefs.  
18

19 119. Student C is a member of DE and a Junior at UCI. He is attending classes  
20 over the summer and will begin his Senior year at UCI in the fall.  
21

22 120. Student C believes that people are either male or female. He does not  
23 believe that “gender identity” is a coherent category separate from biological sex. He  
24 does not believe people can switch between genders. He does not think it is appropriate  
25 to refer to someone using biologically inaccurate “preferred pronouns” or “chosen  
26 names.” Using non-biological pronouns or chosen names would conflict with his  
27  
28

1 deeply held beliefs, based on biological reality, his understanding of natural law, and  
2 his family traditions.

3  
4 121. Student C has no ill-will towards people who identify as transgender or  
5 nonbinary, but he does not want to be forced to affirm that a biologically female class-  
6 mate is actually a male—or vice versa—or that a classmate is “nonbinary” and neither  
7 male nor female. In fact, Student C thinks that affirming someone’s non-biological  
8 “gender identity” is harmful to that person because it encourages him to believe a false-  
9 hood about himself.  
10

11  
12 122. If Student C were to refer to a biological male as “she” instead of “he,”  
13 he would be lying to himself and others, and he would be communicating an idea and  
14 belief that he firmly disagrees with. In addition, he believes that using birth names and  
15 biologically accurate pronouns sends a powerful message and reminder that a person  
16 was born a male or a female and that cannot change based on their personal prefer-  
17 ences. Being compelled to use an individual’s preferred pronouns or names prevents  
18 Student C from expressing that core belief—and, in effect, surrenders the debate be-  
19 fore it begins.  
20  
21

22  
23 123. Student C regularly interacts with other students and members of the UCI  
24 community who identify as transgender or nonbinary and has had at least one  
25 transgender or nonbinary student in each class he has taken at UCI.

26  
27 124. When issues involving gender identity arise in class, on campus, or relat-  
28 ing to school programs, Student C wants to speak about these topics and repeatedly

1 state his belief that biological sex is immutable. For example, when gender issues come  
2 up in class, he wants to voice his view that a person cannot transition from one gender  
3 to another.  
4

5 125. In addition, Student C wishes to use pronouns and given names that are  
6 consistent with a classmate's biological sex, rather than the classmate's "preferred pro-  
7 nouns" or "chosen name"—*i.e.*, the pronouns and name the classmate has decided  
8 reflect the classmate's gender identity. Student C wants to refer to biological males as  
9 "he," not "she," and biological females as "she," not "he." Student C wishes to use the  
10 pronouns and names that are consistent with his classmates' and professors' biological  
11 sex repeatedly and at all times, including inside and outside the classroom, in the class-  
12 mates' presence, and when referring to the classmates outside their presence. For ex-  
13 ample, when participating in discussions during class, Student C wants to say, "I agree  
14 with *his* argument," when referring to a biological male classmate, even though he iden-  
15 tifies himself with female pronouns. He understands that this speech will be considered  
16 "hostile," "aggressive," and "intimidating" to those who want to go by different pro-  
17 nouns. He has no ill will against those students, but he wants to express his deeply held  
18 views.  
19  
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22

23 126. Student C also believes that people should use the intimate spaces, like  
24 restrooms, locker rooms, and dorm rooms, that correspond to their biological sex. And  
25 he believes that women's sports should be reserved for biological women. He sees it  
26 as his duty to stand up for biological women who have been forced to share intimate  
27  
28

1 spaces with biological men on campus. He would like to speak publicly about these  
2 topics and repeatedly state his view that spaces reserved for women should only be  
3 used by biological women. He wants to vocally criticize school policies on bathroom  
4 usage when he sees biological men who identify as women using the women’s bath-  
5 room by saying, “He doesn’t understand the fear that women have when biological  
6 men are present in the women’s bathroom.”  
7

8  
9 127. Student C also wants to communicate his beliefs about controversial top-  
10 ics, including gender identity, on a regular basis and using his personal phone, com-  
11 puter, and on social media. He wants to discuss these topics with other students and  
12 the broader UCI community both on and off campus, including during off-campus  
13 events with no connection to any school-related activity.  
14

15 128. Student C self-censors, however, because he fears that expressing his be-  
16 lief that sex is immutable—by using biologically accurate pronouns or otherwise ex-  
17 plaining his views—will cause him to be punished for violating UC’s policies.  
18

19 129. Student C is aware that he can be punished for “harassment” which is  
20 “unwelcome sexual or other sex-based conduct [that] is sufficiently severe, persistent  
21 or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s  
22 participation in or benefit from the education, employment or other programs or ac-  
23 tivities of the University and creates an environment that a reasonable person would  
24 find to be intimidating or offensive,” and that “sex-based conduct” includes “acts of  
25 verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender,  
26  
27  
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1 gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.”  
2 He is also aware that he can be punished for “intentional or repeated use of a name or  
3 pronoun inconsistent with an individual’s gender identity.”  
4

5 130. For example, Student C refrains from using pronouns and avoids con-  
6 versations involving sex and gender in public because of UC’s policies. He is often in  
7 classes and small groups with people who identify as transgender or nonbinary and  
8 must work hard to avoid pronouns or names in those situations. In small groups, he  
9 avoids using names or pronouns by looking at transgender-identifying people and re-  
10 ferring to them as “you.”  
11  
12

13 131. When Student C is called on in class, he feels like he has no choice except  
14 to tell professors what they want to hear and phrase his answers as narrowly as possible,  
15 because he knows that openly expressing his convictions can lead to disciplinary action.  
16 Student C is often asked about his pronouns in class and other campus-related pro-  
17 grams, and he answers by saying that he is a man. He would like to be able to voice his  
18 belief that those types of questions are unnecessary and assume something he does not  
19 believe, but he is afraid that doing so will violate UC’s policies. When he gives his  
20 pronouns instead of stating his true views, he feels that he is conforming to their lan-  
21 guage and beliefs.  
22  
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24

25 132. Student C would like to encourage debate about these issues in groups he  
26 is involved in on campus, but he is worried about other students getting in trouble for  
27 violating UC’s policies, so he does not have events where gender discussions would  
28

1 come up. If this policy did not exist, his groups would immediately host discussions on  
2 these topics.

3  
4 133. Student C's fear of speaking out is informed by personal experience with  
5 UCI and its officials. For example, professors regularly ask students' pronouns in class,  
6 but do not give them the opportunity to opt out or share their true beliefs. This, com-  
7 bined with his knowledge of UC's harassment and anti-discrimination policies, creates  
8 a university environment that makes Student C deeply uncomfortable and afraid to  
9 share his views.  
10

11  
12 134. Student C was required to take UC's Sexual Harassment, Anti-Discrimi-  
13 nation, Prevention and Education (SHAPE) training, which included discussion and  
14 quiz questions about the harassment and anti-discrimination policies. He was informed  
15 that if he did not take the training, he would be unable to register for classes.  
16

17  
18 135. Student C is also aware that, according to UC, "intentionally and repeat-  
19 edly call[ing]" another student by his or her "dead name" or biological pronouns is  
20 considered "deadnaming" and "misgendering," and constitutes harassment.  
21

22  
23 136. Student C wants to be educated in an environment that involves the free  
24 exchange of ideas and to be free to express his beliefs, even if others disagree with  
25 them or find them offensive. He does not want to be forced to affirm beliefs about  
26 gender identity that are inconsistent with his deeply held convictions. Student C also  
27 wants to engage in robust debate on these issues with campus organizations and other  
28 students.

1           137. Under UC’s policies, however, Student C can be punished for the things  
2 he wants to say, including expressing opinions about the immutable nature of biological  
3 sex, using pronouns that are not a student’s “preferred pronouns,” disagreeing with  
4 students’ assertions about whether they are male or female, stating that biological males  
5 who identify as female should not be allowed to compete in women’s sports, and ex-  
6 pressing discomfort about sharing bathrooms and other intimate spaces with teachers  
7 or students of the opposite biological sex.  
8

9  
10           138. Student C fears that he will be subjected to formal discipline unless he  
11 affirms ideas that are inconsistent with his deeply held beliefs. Such discipline for  
12 speech consistent with his deeply held convictions is detrimental to his school experi-  
13 ence.  
14

15           139. Student C also fears that repeatedly being subject to discipline for stating  
16 his beliefs will subject him to reputational harm and personal attacks from other stu-  
17 dents and members of the UCI community.  
18

19           140. Student C’s fear of being disciplined for stating his beliefs has caused him  
20 emotional and psychological harm. It has caused him to question whether he should  
21 follow his conscience, or remain silent and affirm viewpoints contrary to his beliefs.  
22

23           141. Student D is a member of DE and an outgoing Sophomore at UCI. She  
24 is taking summer courses and will begin her Junior year at UCI in the fall.  
25

26           142. Student D holds scientific and objective views on matters of sex and gen-  
27 der. In particular, she believes that people are either male or female. Student D does  
28

1 not believe that “gender identity” is a coherent category separate from biological sex.  
2 She does not believe people can switch between genders. She does not think it is ap-  
3 propriate to refer to someone using biologically inaccurate “preferred pronouns” or  
4 “chosen names.” Using non-biological pronouns or chosen names would conflict with  
5 her deeply held beliefs, which are based on biological reality, including what she has  
6 learned in her studies on campus.  
7

8  
9 143. Student D has no ill-will towards people who identify as transgender or  
10 nonbinary, but she does not want to be forced to affirm that a biologically female  
11 classmate is actually a male—or vice versa—or that a classmate is “nonbinary” and  
12 neither male nor female. In fact, from a young age, the topic of gender identity was a  
13 part of Student D’s education experience, and watching young classmates struggle with  
14 their identity has made her believe affirming someone’s non-biological “gender iden-  
15 tity” is harmful to that person and only creates confusion. She believes that referring  
16 to people by names and pronouns that do not reflect biological reality encourages them  
17 to believe a falsehood about themselves and discourages them from seeking proper  
18 care to address their gender dysphoria.  
19  
20  
21

22 144. If Student D were to refer to a biological male as “she” instead of “he,”  
23 she would be lying to herself and others, and she would be communicating an idea and  
24 belief that she firmly disagrees with. In addition, she believes that using birth names  
25 and biologically accurate pronouns sends a powerful message and reminder that a per-  
26 son was born a male or a female and that cannot change based on their personal  
27  
28

1 preferences. Being compelled to use an individual's preferred pronouns or names pre-  
2 vents Student D from expressing that core belief—and, in effect, surrenders the debate  
3 before it begins.  
4

5 145. Student D regularly interacts with other students and members of the  
6 UCI community who identify as transgender or nonbinary and has had classes with  
7 students who identify as transgender or nonbinary.  
8

9 146. When issues involving gender identity arise in class, on campus, or relat-  
10 ing to school programs, Student D wants to speak about these topics and repeatedly  
11 state her belief that biological sex is immutable. For example, when gender issues come  
12 up in class, she wants to voice her view that a person cannot transition from one gender  
13 to another.  
14

15 147. In addition, Student D wishes to use pronouns and given names that are  
16 consistent with a classmate's biological sex, rather than the classmate's "preferred pro-  
17 nouns" or "chosen name"—*i.e.*, the pronouns and name the classmate has decided  
18 reflect the classmate's gender identity. She wants to refer to biological males as "he,"  
19 not "she," and biological females as "she," not "he." She wishes to use the pronouns  
20 and names that are consistent with her classmates' and professors' biological sex re-  
21 peatedly and at all times, including inside and outside the classroom, in the classmates'  
22 presence, and when referring to the classmates outside their presence. For example,  
23 when participating in class discussions, Student D wants to say, "I agree with *his* argu-  
24 ment," when referring to a biological male classmate, even though he identifies himself  
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1 with female pronouns. She understands that this speech will be considered “hostile,”  
2 “aggressive,” and “intimidating” to those who want to go by different pronouns. She  
3 has no ill will against those students, but she wants to express her deeply held views.  
4

5 148. Student D also believes that people should use the intimate spaces, like  
6 restrooms, locker rooms, and dorm rooms, that correspond to their biological sex. As  
7 a woman on campus, Student D avoids using public restrooms on campus in part be-  
8 cause she is uncomfortable with men being allowed in the women’s restroom. Student  
9 D would like to speak publicly about these topics and repeatedly state her view that  
10 spaces reserved for women should only be used by biological women.  
11  
12

13 149. Student D also wants to communicate her beliefs about controversial top-  
14 ics, including gender identity, on a regular basis and using her personal phone, com-  
15 puter, and on social media. She wants to discuss these topics with other students and  
16 the broader UCI community both on and off campus, including during off-campus  
17 events with no connection to any school-related activity.  
18

19 150. Student D self-censors, however, because she fears that expressing her  
20 belief that sex is immutable—by using biologically accurate pronouns or otherwise ex-  
21 plaining her views—will cause her to be punished for violating UC’s policies.  
22

23 151. Student D is aware that she can be punished for “harassment” which is  
24 “unwelcome sexual or other sex-based conduct [that] is sufficiently severe, persistent  
25 or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s  
26 participation in or benefit from the education, employment or other programs or  
27  
28

1 activities of the University and creates an environment that a reasonable person would  
2 find to be intimidating or offensive,” and that “sex-based conduct” includes “acts of  
3 verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender,  
4 gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.”  
5 She is also aware that she can be punished for “intentional or repeated use of a name  
6 or pronoun inconsistent with an individual’s gender identity.”  
7  
8

9 152. For example, Student D refrains from using pronouns and avoids con-  
10 versations involving sex and gender in public because of UC’s policies. Student D is  
11 often in classes and small groups with people who identify as transgender or nonbinary  
12 and must work hard to avoid pronouns or names in those situations. When she is called  
13 on in class, she feels like she has no choice except to tell professors what they want to  
14 hear and phrase her answers as narrowly as possible, because she knows that openly  
15 expressing her convictions can lead to disciplinary action.  
16  
17

18 153. Though she tries to avoid pronoun use altogether, Student D has occa-  
19 sionally slipped up. In one class discussion, she referred to a transgender-identifying  
20 student with biological pronouns. Her classmates gave her dirty looks and whispered  
21 about her. Another time, while at a social event on campus, she was unaware that two  
22 other students preferred pronouns different from their biological sex. When she said  
23 something like “I liked *her* artwork,” those students refused to allow her to continue  
24 the conversation until she apologized. Student D fears that in situations like this, these  
25 students could report her, and she could get in trouble for violating UC’s policy.  
26  
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1           154. Student D would like to encourage debate about these issues in groups  
2 she is involved in on campus, but Student D is worried about other students getting in  
3 trouble for violating UC's policies, so she does not have events where this topic could  
4 come up. If this policy did not exist, her groups would immediately host discussions  
5 on these topics.  
6

7           155. Student D's fear of speaking out is informed by years of personal experi-  
8 ence with UCI and its officials. For example, when student groups have brought con-  
9 troversial speakers to campus, posters were vandalized and ripped down. The lack of  
10 response from UCI, combined with her knowledge of UC's harassment and anti-dis-  
11 crimination policies, creates a university environment that makes Student D deeply  
12 uncomfortable and afraid to share her views.  
13  
14

15           156. Student D was required to take UC's Sexual Harassment, Anti-Discrimi-  
16 nation, Prevention and Education (SHAPE) training, which included discussion and  
17 quiz questions about the harassment and anti-discrimination policies. She was in-  
18 formed that if she did not take the training, she would be unable to register for classes.  
19  
20

21           157. Student D is also aware that, according to UC, "intentionally and repeat-  
22 edly call[ing]" another student by his or her "dead name" or biological pronouns is  
23 considered "deadnaming" and "misgendering," and constitutes harassment.  
24

25           158. Student D wants to be educated in an environment that involves the free  
26 exchange of ideas and to be free to express her beliefs, even if others disagree with  
27 them or find them offensive. Student D does not want to be forced to affirm beliefs  
28

1 about gender identity that are inconsistent with her deeply held convictions. She also  
2 wants to engage in robust debate on these issues with campus organizations and other  
3 students.  
4

5 159. Under UC's policies, however, Student D can be punished for the things  
6 she wants to say, including expressing opinions about the immutable nature of biolog-  
7 ical sex, using pronouns that are not a student's "preferred pronouns," disagreeing with  
8 students' assertions about whether they are male or female, stating that biological males  
9 who identify as female should not be allowed to compete in women's sports, and ex-  
10 pressing discomfort about sharing bathrooms and other intimate spaces with teachers  
11 or students of the opposite biological sex.  
12  
13

14 160. Student D fears that she will be subjected to formal discipline unless she  
15 affirms ideas that are inconsistent with her deeply held beliefs. Such discipline for  
16 speech consistent with her deeply held convictions is detrimental to her school expe-  
17 rience.  
18

19 161. Student D also fears that repeatedly being subject to discipline for stating  
20 her beliefs will subject her to reputational harm and personal attacks from other stu-  
21 dents and members of the UCI community.  
22

23 162. Student D's fear of being disciplined for stating her beliefs has caused her  
24 emotional and psychological harm. It has caused her to question whether she should  
25 follow her conscience or remain silent and affirm viewpoints contrary to her beliefs.  
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**COUNT I**

**Violation of the First Amendment: Compelled Speech**

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2  
3 163. Plaintiff repeats and realleges each of the prior allegations in this com-  
4 plaint.

5 164. The Supreme Court has “held time and again that freedom of speech  
6 ‘includes both the right to speak freely and the right to refrain from speaking at all.’”  
7 *Janus*, 585 U.S. at 892 (quoting *Wooley v. Maynard*, 430 U.S. 705, 714 (1977)). “If there  
8 is any fixed star in our constitutional constellation, it is that no official, high or petty,  
9 can prescribe what shall be orthodox in politics, nationalism, religion, or other matters  
10 of opinion or force citizens to confess by word or act their faith therein.” *Barnette*, 319  
11 U.S. 624, 642 (1943). “The First Amendment mandates that [courts] presume that  
12 speakers, not the government, know best both what they want to say and how to say  
13 it.” *Riley v. Nat’l Fed’n of the Blind of N. Carolina, Inc.*, 487 U.S. 781, 790-91 (1988). “Com-  
14 pelling individuals to mouth support for views they find objectionable violates that  
15 cardinal constitutional command, and in most contexts, any such effort would be uni-  
16 versally condemned.” *Janus*, 585 U.S. at 892.

17  
18  
19  
20  
21 165. Here, the Hostile-Environment Provision and FAQ #14 unconstitution-  
22 ally compel speech because they forbid students from referring to a person according  
23 to their biological sex rather than their gender identity.

24  
25 166. Students A-D believe that biological sex is inherent and immutable. They  
26 bear no ill will towards others, but they do not want to be forced to affirm that a  
27  
28

1 biologically male student is actually a female—or vice versa—or that another student  
2 is neither male nor female because doing so would contradict their deeply held beliefs.  
3  
4 For many of them, those beliefs are inseparable from their religious convictions. Yet  
5 that is exactly what UC’s policies require.

6       167. *Bates v. Paksresht* is directly on point. There, the State of Oregon required  
7 prospective adoptive parents to agree to “respect, accept, and support” a child’s gender  
8 identity and gender expression by using preferred pronouns. 146 F.4th at 776. When a  
9 prospective adoptive parent objected to “affirming a child’s transgender identity”  
10 based on her sincerely held beliefs, her application was denied. *Id.* at 781. The Ninth  
11 Circuit held that a “preferred pronouns” policy “quite clearly ... compels speech” and  
12 was likely unconstitutional. 146 F.4th at 785-86, 801. It explained that under the policy,  
13 “parental speech that promotes the state’s conceptions of sexual orientation and gen-  
14 der identity is required, and speech that contradicts the state’s views is prohibited.” *Id.*  
15 at 785. “The situation would be no different if the state had restricted parental speech  
16 favoring more ‘progressive’ views of sexuality and gender identity, while compelling  
17 speech along the lines of [Plaintiff’s] more traditional understanding.” Either way, the  
18 state would “inevitably both restric[t] and compe[l] speech.” *Id.* at 785-86.

23       168. The Sixth Circuit has reached the same conclusion in two separate deci-  
24 sions. In *Meriwether v. Hartop*, that court held that a similar “preferred pronoun” for  
25 college professors was “anathema to the principles underlying the First Amendment.”  
26 *Id.* at 510. “Indeed, the premise that gender identity is an idea ‘embraced and advocated  
27  
28

1 by increasing numbers of people is all the more reason to protect the First Amendment  
2 rights of those who wish to voice a different view.” *Id.* (quoting *Boy Scouts of Am. v.*  
3 *Dale*, 530 U.S. 640, 660 (2000)); *see also Green*, 52 F.4th at 784-85 & n.12. And in *Defend-*  
4 *ing Education v. Olentangy*, the en banc Sixth Circuit explained that a K-12 “school district  
5 may not skew th[e] debate” over “biological pronouns” by “forcing one side to change  
6 the way it conveys its message or by compelling it to express a different view.” 158  
7 F.4th at 738. Simply put, “[p]ronouns can and do convey a powerful message implicat-  
8 ing a sensitive topic of public concern,” so policies that require the use of preferred  
9 pronouns or other transgender-affirming terms unconstitutionally compel students “to  
10 communicate a messag[e] [that] [p]eople can have a gender identity inconsistent with  
11 their sex at birth.” *Meriwether*, 992 F.3d at 507-08.

15           169. So too here. UC cannot force DE’s members to “mouth support” for  
16 beliefs they do not hold, especially for “controversial subjects” like “gender identity.”  
17 *Janus*, 585 U.S. at 892, 913. If anything, the First Amendment interests at stake are  
18 greater here than in both *Meriwether* and *Olentangy* because this case concerns college  
19 students, not professors or K-12 students. *See Olentangy*, 158 F.4th at 758 (a professor’s  
20 “on-the-job speech” receives less protection than “personal expression’ that students  
21 use”); *R.W. v. Columbia Basin College*, 572 F. Supp. 3d 1010, 1026 (E.D. Wash. 2021)  
22 (“[U]niversity students enjoy more First Amendment protections than school-age chil-  
23 dren.”).

1 170. That the SVSH Policy does not literally require students to speak is of no  
2 moment. Using pronouns is a “virtual necessity” for engaging in any conversation.  
3  
4 *Doe 1 v. Marshall*, 367 F. Supp. 3d 1310, 1325 (M.D. Ala. 2019) (quoting *Wooley*, 430  
5 U.S. at 715). The Policy prohibits students “from speaking in accordance with [their]  
6 belief that sex and gender are conclusively linked,” and trying not to “use any pro-  
7 nouns” would be “impossible to comply with.” *Meriwether*, 992 F.3d at 517. UC thus  
8 “cannot force [students] to choose between carrying a government message” and re-  
9 maining silent in another student’s presence at school. *Doe 1*, 367 F. Supp. 3d at 1326;  
10 *see also Wooley*, 430 U.S. at 715 (state cannot require message on license plates, even  
11 though no one is required to drive); *Hurley*, 515 U.S. at 575-76 (parade organizers can-  
12 not be forced to include certain groups in a parade, even though no one is required to  
13 hold a parade).

14  
15  
16  
17 171. To the extent that the Anti-Discrimination Policy is coterminous with the  
18 SVSH Policy and compels the Students’ speech, that policy also violates the First  
19 Amendment for the same reasons as the SVSH Policy.

20  
21 172. Defendants adopted these policies “under color of state law” and are act-  
22 ing “under color of state law” within the meaning of §1983.

23  
24 **COUNT II**  
25 **Violation of the First Amendment:**  
26 **Content- and Viewpoint-Based Discrimination**

27 173. Plaintiff repeats and realleges each of the prior allegations in this com-  
28 plaint.

1 174. The Hostile-Environment Provision and FAQ #14 are viewpoint- and  
2 content-based restrictions on speech in violation of the First Amendment.

3  
4 175. “If there is a bedrock principle underlying the First Amendment, it is that  
5 the Government may not prohibit the expression of an idea simply because society  
6 finds the idea itself offensive or disagreeable.” *Simon & Schuster, Inc. v. Members of N.Y.*  
7 *State Crime Victims Bd.*, 502 U.S. 105, 118 (1991).

8  
9 176. Speech restrictions “based on viewpoint are prohibited.” *Minn. Voters All.*  
10 *v. Mansky*, 585 U.S. 1, 11 (2018); *see also e.g., Iancu v. Brunetti*, 588 U.S. 388, 398-99 (2019);  
11 *Ison v. Madison Loc. Sch. Dist. Bd. of Educ.*, 3 F.4th 887, 893 (6th Cir. 2021) (“But the  
12 government may not engage in a more invidious kind of content discrimination known  
13 as viewpoint discrimination.” (cleaned up)); *Shurtleff v. City of Bos.*, 596 U.S. 243, 258  
14 (2022) (viewpoint discrimination prohibited); *Speech First, Inc. v. Cartwright*, 32 F.4th  
15 1110, 1126 (11th Cir. 2022) (“Restrictions ... based on viewpoint are prohibited, seem-  
16 ingly as a per se matter.” (cleaned up)).

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19 177. Content-based regulations similarly are “presumptively invalid.” *R.A.V.*  
20 *v. City of St. Paul*, 505 U.S. 377, 382 (1992). Accordingly, “any restriction based on the  
21 content of the speech must satisfy strict scrutiny, that is, the restriction must be nar-  
22 rowly tailored to serve a compelling government interest.” *Pleasant Grove City v. Sum-*  
23 *mum*, 555 U.S. 460, 469 (2009); *see, e.g., Westfield High School L.I.F.E. Club v. City of West-*  
24 *field*, 249 F. Supp. 2d 98, 123 (D. Mass. 2003) (school policy allowing only “responsible”  
25 speech was a content-based regulation subject to strict scrutiny).  
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1           178. Here, the Hostile-Environment Provision and FAQ #14 punish students  
2 for the content and viewpoint of their speech. The Hostile-Environment Provision  
3 bars “offensive” speech, *e.g.*, speech that is “hostile,” “unwelcome,” “aggress[ive]” or  
4 “intimidat[ing]” towards someone based on “gender, gender identity, gender expres-  
5 sion, sex- or gender-stereotyping, or sexual orientation.” It is well-established that giv-  
6 ing offense is a viewpoint, such that an offense-triggered policy like this one is view-  
7 point-discriminatory. *See, e.g., Matal v. Tam*, 582 U.S. 218, 243 (2017); *Iancu*, 588 U.S. at  
8 394. Plus, because the hostile-environment standard turns on membership in the Pol-  
9 icy’s protected categories, it effectively prohibits statements critical of a named group  
10 while permitting supportive statements: A statement that *affirms* someone’s gender  
11 identity is allowed, but a statement that makes them feel *unwelcome* is not. “It is difficult  
12 to imagine” a *more* viewpoint-discriminatory policy than one that allows “laudatory”  
13 speech “while prohibiting a different point of view (negatively critical) on a particular  
14 subject matter.” *Griffin v. Bryant*, 30 F. Supp. 3d 1139, 1184 (D.N.M. 2014).

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19           179. The Hostile-Environment Provision is also content-discriminatory be-  
20 cause it turns on “[l]isteners’ reaction to speech.” *Forsyth County v. Nationalist Movement*,  
21 505 U.S. 123, 134 (1992). If a fellow student or other university community member  
22 *feels* unwelcome or intimidated by someone’s speech, that person has violated the Pol-  
23 icy.  
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26           180. The Hostile-Environment Provision and FAQ #14 also discriminate  
27 based on both viewpoint and content because they prohibit “misgendering” and  
28

1 “deadnaming” and the Hostile-Environment Provision prohibits students from ex-  
2 pressing the view that biological distinctions between males and females should be  
3 respected, *e.g.*, by maintaining separate bathrooms or other facilities for each biological  
4 sex. This is classic content-based and viewpoint-based regulation of speech. *See, e.g.*,  
5 *Bates*, 146 F.4th at 786-87 (preferred pronoun policies regulate “based on content and  
6 viewpoint”); *Meriwether*, 992 F.3d at 506-07 (“the state cannot wield its authority to  
7 categorically silence dissenting viewpoints” on sex and gender).

10 181. Viewpoint-based restrictions are necessarily unconstitutional. *See 303 Cre-*  
11 *ative v. Elenis*, 600 U.S. 570, 588-89 (2023) (Using government policies to “excise certain  
12 ideas or viewpoints from the public dialogue” is “more than enough ... to represent  
13 an impermissible abridgement of the First Amendment’s right to speak freely.”  
14 (cleaned up)). Even if the SVSH Policy were merely content-based, UC has no com-  
15 pelling interest in suppressing this type of speech, and even if it did, the restrictions are  
16 not narrowly tailored to further that interest. *See Mahanoy Area Sch. Dist. v. B.L. ex rel.*  
17 *Levy*, 594 U.S. 180, 192 (2021); *Willson v. City of Bel-Nor*, 924 F.3d 995, 1001 (8th Cir.  
18 2019).

22 182. *Bates* is again directly on point. There, in order to be eligible to adopt  
23 children through foster care, parents were required to “reinforce the state’s perspective  
24 of sexuality and gender identity as evolving concepts, while withholding contrary views  
25 that are less embracing of same-sex relationships and a conception of gender identity  
26 that does not align with biological sex.” 146 F.4th at 785. The same is true here:  
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1 students are required to mouth support for the state’s view that gender identity is evol-  
2 ing, and they are prohibited from voicing their own view that gender is static. Such a  
3 law “clearly restricts and compels speech based on content and viewpoint.” *Id.*  
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5 183. To the extent that the Anti-Discrimination Policy is coterminous with the  
6 SVSH Policy and prohibits the Students’ speech, that policy also violates the First  
7 Amendment for the same reasons as the SVSH Policy.  
8

9 184. Defendants adopted these policies “under color of state law” and are act-  
10 ing “under color of state law” within the meaning of §1983.  
11

12 **COUNT III**  
13 **Violation of the First Amendment: Overbreadth**

14 185. Plaintiff repeats and realleges each of the prior allegations in this com-  
15 plaint.  
16

17 186. The First Amendment prohibits public universities from adopting regu-  
18 lations of students that are “so broad as to ‘chill’ the exercise of free speech and ex-  
19 pression.” *Dambrot v. Cent. Mich. Univ.*, 55 F.3d 1177, 1182 (6th Cir 1995) (finding uni-  
20 versity harassment policy unconstitutionally overbroad). “Because First Amendment  
21 freedoms need breathing space to survive, government may regulate in the area only  
22 with narrow specificity.” *Gooding v. Wilson*, 405 U.S. 518, 522 (1972). Schools must  
23 carefully craft their regulations “to punish only unprotected speech and not be suscep-  
24 tible of application to protected expression.” *Id.* A policy is overbroad “if it prohibits  
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1 a substantial amount of protected speech.” *United States v. Williams*, 553 U.S. 285, 292  
2 (2008).

3  
4 187. The Hostile-Environment Provision and FAQ #14 are unconstitutionally  
5 overbroad.

6 188. “There is no categorical ‘harassment exception’ to the First Amendment’s  
7 free speech clause.” *Saxe*, 240 F.3d at 204. While universities can prohibit genuinely  
8 harassing *conduct*, they do not have unlimited authority to punish *protected speech*. To  
9 comply with the First Amendment, harassment policies must be limited to conduct  
10 that is “so severe, pervasive, *and* objectively offensive that it *denies* its victims the equal  
11 access to education.” *Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)  
12 (emphases added).

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15 189. The Hostile-Environment Provision comes nowhere close to satisfying  
16 the *Davis* standard. Instead of targeting only conduct that is sufficiently “severe, perva-  
17 sive *and* objectively offensive,” *Davis*, 526 U.S. at 652 (emphasis added), the Policy asks  
18 whether the conduct is “severe, persistent *or* pervasive.” And instead of punishing such  
19 activity only when it “*denies*” other students “equal access to education,” *id.* (emphasis  
20 added), the Policy asks whether the conduct “denies, adversely limits,” or even just  
21 “interferes” with a students’ education, employment, or other UC activities or pro-  
22 grams.  
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26 190. Policies that fail to honor the line drawn by *Davis* are unconstitutionally  
27 overbroad because they sweep in “a substantial amount of speech that is  
28

1 constitutionally protected.” *Forsyth County*, 505 U.S. at 130. Courts regularly find these  
2 types of far-reaching policies to be unconstitutionally overbroad. *See, e.g., Saxe*, 240  
3 F.3d at 215-16 (finding that a high school speech policy punishing “harassment” was  
4 overbroad because it “prohibit[ed] substantially more conduct than would give rise to  
5 liability under” *Davis*); *Alabama v. Sec’y of Educ.*, 2024 WL 3981994, \*6 (11th Cir. Aug,  
6 22, 2024) (finding that a policy that “contravenes” the *Davis* standard “runs headlong  
7 into the First Amendment concerns animating” that decision).  
8  
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10 191. Consider the statement: “I have no ill-will toward you, but you are not a  
11 boy/girl. People are created either male or female and so you can never transition from  
12 one sex to another.” This is protected speech, yet it would be seen by a transgender  
13 listener as “hostile,” “unwelcome,” “aggress[ive]” and “intimidat[ing].”  
14

15 192. Consider, too, other speech the Students want to engage in: They want  
16 to express opinions about the immutable nature of biological sex, state that biological  
17 males who identify as female should not be allowed to compete in women’s sports,  
18 express discomfort about sharing bathrooms with teachers or students of the opposite  
19 biological sex, and use pronouns and given names, among other things. This is likewise  
20 prohibited speech, yet these statements too would violate the Hostile-Environment  
21 Provision and FAQ #14.  
22  
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24 193. For FAQ #14 in particular, the unconstitutional applications of its ban  
25 on non-gender-affirming speech aren’t just substantial relative to any legitimate appli-  
26 cations; they are substantial “in an absolute sense” too. *Williams*, 553 U.S. at 292.  
27  
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1 Coercing and prohibiting speech on biological pronouns, “a sensitive topic of public  
2 concern,” *Meriwether*, 992 F.3d at 508, is the Policy’s “heartland applicatio[n],” *Moody v.*  
3 *NetChoice*, 603 U.S. 707, 744 (2024).  
4

5 194. In addition, the Hostile-Environment Provision and FAQ #14 apply to  
6 off-campus speech, including by students on personal devices, even if it is not for  
7 school-related activities or programs. But the Supreme Court in *Mahanoy* made clear  
8 that school policies prohibiting off campus speech are constitutionally suspect. “When  
9 it comes to political or religious speech that occurs outside school or a school program  
10 or activity, the school will have a heavy burden to justify intervention.” 594 U.S. at 190.  
11 This is especially true for university students. *See, e.g., Diei v. Boyd*, 116 F.4th 637, 645-  
12 46 (6th Cir. 2024); *Cartwright*, 32 F.4th at 1127 n.6. The extension of these prohibitions  
13 to off-campus speech sweeps in “a substantial amount of speech that is constitutionally  
14 protected” and thus is unconstitutionally overbroad. *Forsyth County*, 505 U.S. at 130.  
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18 195. To the extent that the Anti-Discrimination Policy is coterminous with the  
19 SVSH Policy and prohibits the Students’ speech, that policy also violates the First  
20 Amendment for the same reasons as the SVSH Policy.  
21

22 196. Defendants adopted this Policy “under color of state law” and are acting  
23 “under color of state law” within the meaning of §1983.  
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1 **COUNT IV**  
2 **Violation of the First and Fourteenth Amendments:**  
3 **Void for Vagueness**

4 197. Plaintiff repeats and realleges each of the prior allegations in this com-  
5 plaint.

6 198. “It is a basic principle of due process that an enactment is void for vague-  
7 ness if its prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S. 104,  
8 108 (1972). A policy “must be sufficiently clear so as to allow persons of ‘ordinary  
9 intelligence a reasonable opportunity to know what is prohibited.” *Foti v. City of Menlo*  
10 *Park*, 146 F.3d 629, 638 (9th Cir. 1998). Vague policies run the risk of “punishing peo-  
11 ple for behavior that they could not have known was illegal,” “subjective enforcement  
12 ... based on ‘arbitrary and discriminatory enforcement’ by government officers” and  
13 having a “chilling effect on the exercise of First Amendment freedoms.” *Id.*; *see also*  
14 *Parents Defending Educ. v. Linn Mar Cmty. Sch. Dist.*, 83 F.4th 658, 668-69 (8th Cir. 2023).

15 199. A policy “which either forbids or requires the doing of an act in terms so  
16 vague that [individuals] of common intelligence must necessarily guess at its meaning  
17 and differ as to its application, violates the first essential of due process of law.” *Ass’n*  
18 *of Cleveland Fire Fighters v. City of Cleveland*, 502 F.3d 545, 551 (6th Cir. 2007) (quoting  
19 *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1925)). And “if arbitrary and discrimina-  
20 tory enforcement is to be prevented, laws must provide explicit standards for those  
21 who apply them. A vague law impermissibly delegates basic policy matters to [officials]  
22 for resolution on an ad hoc and subjective basis.” *Grayned*, 408 U.S. at 108-09; *see also*

1 *Foti*, 146 F.3d at 639. Thus, policies that require officials to “evaluate a myriad of fac-  
2 tors,” creating a “danger” that they “might resort to enforcing [the policies] only against  
3 ... messages” they “dislik[e],” violate the First and Fourteenth Amendments. *Foti*, 146  
4 F.3d at 639.

6 200. Moreover, clarity is especially important here. “[W]hen First Amendment  
7 freedoms are at stake, an even greater degree of specificity and clarity of laws is re-  
8 quired.” *Foti*, 146 F.3d at 638; *see also Vill. of Hoffman Est. v. Flipside, Hoffman Est., Inc.*,  
9 455 U.S. 489, 499 (1982) (If the challenged policy “interferes with the right of free  
10 speech or of association, a more stringent vagueness test should apply.”).

13 201. The Hostile-Environment Provision, among other things, turns on un-  
14 predictable assessments about whether student speech is sufficiently “hostil[e],” “ag-  
15 gressi[ve]” or “intimidat[ing].” Those terms are undefined and subjective. They “beg  
16 for clarification.” *Fenves*, 979 F.3d at 332 & n.9. For example, the policy defines “hostile  
17 environment” to include “unwelcome ... sex-based conduct,” which in turn is defined  
18 as “aggression, intimidation, or hostility based on” a protected characteristic. Indeed,  
19 it circularly defines “hostile environment” to include “hostility.”  
20

22 202. Moreover, the SVSH Policy encompasses speech on and off campus, in-  
23 cluding speech that has “continuing adverse effects on” UC properties or programs.

25 203. Indeed, UC itself acknowledges that “a broad spectrum of conduct ...  
26 may” or may not “be appropriately charged” under the Policy, depending on whether  
27 and how a Title IX officer “consider[s]” a non-exhaustive list of “surrounding  
28

1 circumstances.” According to UC, whether particular conduct or speech constitutes  
2 hostile-environment harassment “depend[s] on the circumstances,” including factors  
3 “like” the “severity of the conduct,” “where the conduct occurred,” “contemporane-  
4 ous statements or other behavior by the Respondent,” and “the relationship between  
5 the parties (for example, whether there is a power imbalance).” UC says it will consider  
6 “other relevant factors” too, but it does not say what those factors are. Any given  
7 conduct or speech “might” or might not “be charged as sexual harassment” depending  
8 on whether and how a Title IX officer weighs these circumstances.  
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11 204. The Policy’s vague standards deprive students of “a reasonable oppor-  
12 tunity to understand what conduct [the policies] prohibit[.]” *Hill v. Colorado*, 530 U.S.  
13 730, 732 (2002). The Policy is also “susceptible to discriminatory or arbitrary enforce-  
14 ment.” *Bell v. Keating*, 697 F.3d 445, 462 (7th Cir. 2012); *Foti*, 146 F.3d at 639.  
15  
16

17 205. To the extent that the Anti-Discrimination Policy is coterminous with the  
18 SVSH Policy and prohibits the Students’ speech, that policy also violates the First  
19 Amendment for the same reasons as the SVSH Policy.  
20

21 206. Defendants adopted the SVSH Policy “under color of state law” and are  
22 acting “under color of state law” within the meaning of §1983.  
23

24 **WHEREFORE**, Defending Education respectfully requests that this Court en-  
25 ter judgment in favor of Plaintiff and against Defendants and provide the following  
26 relief:  
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1           A.     A declaratory judgment that the Hostile-Environment Provision and  
2 FAQ #14—and any materially similar policy, provision, or law that applies at UC Sys-  
3 tem schools—violate the First and Fourteenth Amendments;  
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5           B.     A preliminary and permanent injunction barring Defendants from en-  
6 forcing the Hostile-Environment Provision and FAQ #14 and any materially similar  
7 policy, provision, or law that applies at UC System schools;  
8

9           C.     A preliminary and permanent injunction barring Defendants from com-  
10 pelling speech to affirm another person’s gender identity or punishing students for  
11 referring to another person using pronouns that are consistent with the other person’s  
12 birth sex but inconsistent with that person’s gender identity;  
13

14           D.     A preliminary and permanent injunction barring Defendants from en-  
15 forcing the Hostile-Environment Provision and FAQ #14 to punish students for  
16 speech occurring off school grounds that is not for or during a school-sponsored ac-  
17 tivity;  
18

19           E.     Plaintiff’s reasonable costs and expenses of this action, including attor-  
20 neys’ fees, per 42 U.S.C. §1988 and all other applicable laws; and  
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22           F.     All other relief that Plaintiff is entitled to.  
23  
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1 Dated: June 18, 2026

Respectfully submitted,

2 /s/ John M. Begakis

/s/ J. Michael Connolly

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**VERIFICATION**

I, Sarah Perry, declare as follows:

1. I am the Vice President and Senior Legal Fellow of Defending Education, the plaintiff in this case.

2. I have reviewed this complaint.

3. For the allegations within my personal knowledge, I believe them all to be true.

4. For the allegations not within my personal knowledge, I believe them all to be true based on my review of the cited policies and documents and based on my conversations with members of Defending Education, including Students A, B, C, and D.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2026



Sarah Perry  
Vice President and Senior Legal  
Fellow of Defending Education