

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PHILLIP BEVERLY and
ROBERT BIONAZ,

Plaintiffs,

v.

CHICAGO STATE UNIVERSITY BOARD
OF TRUSTEES, WAYNE D. WATSON,
PATRICK CAGE, and
JANELLE CARTER,

Defendants.

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)
)
) Case No.

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

) **JURY TRIAL DEMANDED**
)
)

Plaintiffs Phillip Beverly and Robert Bionaz complain of Defendants and allege:

I. INTRODUCTION

1. “The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.” *Shelton v. Tucker*, 364 U.S. 479, 487 (1960). This is particularly true of public universities, where “the freedoms of speech, assembly, and petition must be zealously guarded because “[t]he college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas.’” *Healy v. James*, 408 U.S. 169, 180 (1972). This protection extends to all types of discourse, including criticism directed against high-ranking university officials.

2. Plaintiffs Phillip Beverly and Robert Bionaz, members of the faculty at Chicago State University, are frequent contributors to a blog titled *CSU Faculty Voice* that exposes mismanagement at Chicago State University (“CSU”). Although the United States Supreme Court has held that “state colleges and universities are not enclaves immune from the sweep of the First Amendment,” *id.*, the Defendants, administrators at CSU, have engaged in an ongoing campaign to silence Plaintiffs’ criticisms of how the University is run. They have threatened

legal action in an effort to shut down the blog, taken other behind-the-scenes actions to achieve this objective, and ultimately adopted a “Cyberbullying Policy” that broadly prohibits electronic communication that may have an “adverse impact on the work environment of a CSU faculty member or employee” as another tool for restricting Plaintiffs’ speech.

3. CSU’s actions ignore the fundamental principle that neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indpt. Comm. Sch. Dist.*, 393 U.S. 503, 506 (1969). In particular, the Supreme Court has emphatically rejected the argument that “teachers may constitutionally be compelled to relinquish the First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest in connection with the operation of the public schools in which they work.” *Pickering v. Bd. of Education*, 391 U.S. 563, 568 (1968). Indeed, the Court most recently reaffirmed unanimously that “[s]peech by citizens on matters of public concern lies at the heart of the First Amendment,” and the type of speech at issue in this case, “corruption in a public program and misuse of state funds – obviously involves a matter of significant public concern.” *Lane v. Franks*, 2014 WL 2765285 *6, 9 (U.S., June 19, 2014).

4. This is a civil rights action to protect and vindicate the First and Fourteenth Amendment rights of Phillip Beverly, Robert Bionaz, and all faculty and students at CSU. By policy and practice, CSU unlawfully restricts the free exercise of constitutional rights to free expression, and it has acted in this case to abridge the Plaintiffs’ constitutional rights. Accordingly, these policies and enforcement practices are challenged on their face and as applied to the Plaintiffs. This action seeks declaratory and injunctive relief, damages, and attorneys’ fees.

II. JURISDICTION AND VENUE

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

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

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

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

9. This Court has authority to award attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

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

III. PLAINTIFFS

11. Plaintiff Phillip Beverly is, and was at all times relevant to this Complaint, a resident of Chicago, Illinois. He is presently an associate professor at CSU, where he has taught political science for over 22 years, and is president of the faculty senate. Professor Beverly is also one of the founders of, and contributors to, the blog *CSU Faculty Voice*.

12. Plaintiff Robert Bionaz is, and was at all times relevant to this Complaint, a resident of Evergreen Park, Illinois. Professor Bionaz is an associate professor of history at CSU. He is also one of the founders of, and contributors to, *CSU Faculty Voice*.

IV. DEFENDANTS

13. Defendant Chicago State University Board of Trustees has oversight of Chicago State University, a public university organized and existing under the laws of the State of Illinois. Article 5 of the “Chicago State University Law,” included in the Illinois Higher Education Act, provides that “[t]he Board shall have power to enter into contracts and to sue and be sued.” 110 ILCS 660/5-40; see *Cannon v. University of Health Sciences/Chicago Medical School*, 710 F.2d 351, 356-57 (7th Cir. 1983). The Board is sued for equitable relief only.

14. Defendant Wayne D. Watson is, and was at all times relevant to this Complaint, President of Chicago State University. He is CSU’s chief executive officer, responsible for CSU’s administration and policymaking, including the policies and procedures challenged herein. Acting under color of state law, Defendant Watson acquiesced in, sanctioned, and supported the actions of the other Defendants. Defendant Watson is sued in his official and personal capacities. *MCI Telecommunication Corp. v. Illinois Bell Telephone Co.*, 222 F.3d 323, 345 (7th Cir. 2000).

15. Defendant Patrick Cage is, and was at all times relevant to this Complaint, Vice President of Labor and Legal Affairs and General Counsel at CSU. He is responsible for CSU’s administration and policy-making, including the policies and procedures that were applied to deprive Professors Beverly and Bionaz of their constitutional rights. Defendant Cage is sued in his official and personal capacities.

16. Defendant Janelle Carter is, and was at all times relevant to this Complaint, an Associate General Counsel at CSU. She is responsible for implementing the policies and procedures that were applied to deprive Professors Beverly and Bionaz of their constitutional rights. Defendant Carter is sued in her official and personal capacities.

V. STATEMENT OF FACTS

A. Defendants' Efforts to Censor *CSU Faculty Voice*

17. Since 2009, CSU Professor Phillip Beverly has published a blog titled *CSU Faculty Voice* with seven other CSU faculty members, including Plaintiff Robert Bionaz. *CSU Faculty Voice* was launched in part because of previous unsuccessful efforts by the university to censor the student newspaper for publishing articles critical of the administration, and illegal efforts by CSU to improperly withhold public records under the state's Freedom of Information Act.

18. *CSU Faculty Voice*, which can be found online at csufacultyvoice.blogspot.com, is not housed on CSU's computer servers, but rather by the well-known, free blog hosting platform Blogspot (which is owned by Google Inc.). Like most blogs, it can be accessed on any computer with Internet access, including those located on the CSU campus.

19. *CSU Faculty Voice* is wholly noncommercial and serves as an outlet for the personal opinions of the contributing faculty members. Articles appearing on *CSU Faculty Voice* often document allegations of mismanagement by the CSU administration, and provide links to relevant public documents.

20. The site archives posts once a month, but the older entries remain available on the site.

21. *CSU Faculty Voice* makes no claim that it is endorsed by, or speaks on behalf of, CSU in any official capacity.

22. Because it is openly critical of the current administration, no reasonable person, upon visiting the *CSU Faculty Voice* blog, could mistake it for the official website of Chicago State University, or indeed any kind of official news outlet of the University.

23. Defendant Patrick B. Cage sent a cease and desist letter to Professor Beverly dated November 11, 2013 ordering the Plaintiff to “immediately disable [the] Chicago State University Faculty Voice Blog . . . no later than November 15, 2013 in order to avoid legal action.” Defendant Cage based this demand on the claim that *CSU Faculty Voice* did not comply with the “high standards of civility and professionalism [that] are central tenants [sic] of the University’s values and included in the standards of conduct required of faculty members.” Ex. A.

24. The November 11, 2013 demand letter appeared to be predicated on CSU’s Computer Usage Policy, which requires all electronic communication, “including websites and blog posts on the university server” to “adhere to the University standards of conduct which prohibit any communication which tends to embarrass or humiliate any member of the community.” It also counsels “avoiding lewd, obscene, defamatory or harassing comments.” Ex. B.

25. Defendant Cage also alleged that use of “CSU’s trade names and marks” on the blog caused confusion, diminished the University’s brand, and implied CSU’s endorsement of the blog’s commentary.

26. On November 11, 2013, CSU did not hold any registered trademarks.

27. On November 14, 2013, three days after Defendant Cage sent the letter, CSU filed three trademark registration applications.

28. Wesley Johnson, counsel for the contributors to *CSU Faculty Voice*, replied to Defendant Cage’s letter on November 27, 2013, rejecting CSU’s ultimatum and demanding that CSU cease its efforts to shut down the blog. Ex. C.

29. Donald Levine, external counsel retained by CSU to press CSU's trademark claims, wrote a follow-up letter to Plaintiffs on January 3, 2014, which alleged that *CSU Faculty Voice* falsely gave the impression that it represented the views of the entire CSU faculty. Ex. D.

30. Levine's assertion is implausible on its face. The masthead of *CSU Faculty Voice* has an image of hedges trimmed to form the letters "CSU." Superimposed on the image are the words "Chicago State University," but "Chicago" is crossed out and the word "Crony" is substituted. Ex. E. The caption above the image reads: "Where We Hire Our Friends."

31. Levine's letter also claimed that the blog's masthead used a "distinctive photographic image" of the "widely recognized CSU hedges," allegedly part of the University's trade dress, violated CSU's intellectual property rights and the Lanham Act.

32. The letter demanded that *CSU Faculty Voice* cease using CSU's name, as well as any picture of CSU, on the website and that it place a disclaimer written by counsel for CSU prominently on the page.

33. On March 3, 2014, the Foundation for Individual Rights in Education, a non-partisan watchdog group that monitors compliance with the First Amendment on college campuses, wrote Defendant Watson, explaining in detail why CSU's efforts to shut down the *CSU Faculty Voice* are unconstitutional.

B. Defendants' Other Efforts to Silence Plaintiff Phillip Beverly

34. On information and belief, Defendants Watson, Cage, and others met with other CSU administrators and lawyers at the end of January 2013, or beginning of February 2014 to discuss ways to silence Phillip Beverly's criticism of the CSU administration.

35. On information and belief, those at the meeting, including Defendants Watson, Cage, and others, discussed the feasibility of contacting Google Inc., which controls Blogspot, the platform for *CSU Faculty Voice*, to demand that it shut down the site.

36. Following this meeting, Defendants have initiated various formal and informal actions in retaliation for Plaintiffs' speech criticizing the CSU administration.

37. Professor Beverly, who is the President of the CSU Faculty Senate, presided over a Faculty Senate Executive Committee Hearing on Repression on April 9, 2014 to discuss repression of free expression at CSU. Shortly before the scheduled event, the organizers were informed that the room they had reserved was not available. The event was then moved to a classroom.

38. Students in Professor Beverly's public management class attended the April 9, 2014 Hearing on Repression. Professor Beverly was later notified that he would face disciplinary hearings for having his class in an unauthorized location.

39. At an initial hearing on the disciplinary charges, it was alleged that Professor Beverly had violated the CSU Board of Trustees policy forbidding professors from imposing their personal beliefs on students.

40. As of June 30, 2014, the disciplinary charges against Professor Beverly are still pending.

C. Defendants' Other Efforts to Silence Professor Bionaz

41. On March 7, 2014, Defendant Watson introduced a proposed "Cyberbullying Policy" to the Board of Trustees, stating, "the purpose of this policy is to protect members of the CSU family from bullying through any form of electronic communication." This policy was

later adopted (as detailed below) and has been applied to restrict the speech of Professor Bionaz.
Ex. F.

42. The “Cyberbullying Policy” was adopted by the CSU Board of Trustees on May 9, 2014, but the final approved policy does not yet appear on the CSU website and has not been made publicly available. Nevertheless, the Defendants have taken steps to apply the policy to Professor Bionaz and to restrict his speech about matters of public concern.

43. One effort to apply the “Cyberbullying Policy” to Professor Bionaz arose from a blog post in which the Plaintiff questioned the propriety of cronyism in CSU hiring decisions. Another effort to apply the policy governing electronic communications was inexplicably based on a face-to-face conversation between Professor Bionaz and Tom Wogan, CSU’s Director of Public Relations.

D. Unconstitutional Computer Usage Policy

44. The policies that Defendants have utilized to restrict the Plaintiffs’ speech are facially unconstitutional.

45. CSU’s Computer Usage Policy includes a directive to “[r]espect the rights and sensibilities of others.” Under this policy, electronic mail and all other electronic communication (including websites and blog posts on the university server) must “adhere to the University standards of conduct which prohibit any communication which tends to embarrass or humiliate any member of the community.” It also requires users to avoid “lewd, obscene, defamatory or harassing comments.” The Policy admonishes users to “[r]espect the mission of the University in the larger community.”

46. Under CSU policies, “[a]ll University codes of conduct apply to information technology as well as to other forms of communication and activity.”

47. Anyone using CSU information systems must certify the user's understanding that failure to comply with applicable laws, rules, policies, and procedures may lead to disciplinary action up to and including termination of University employment and possible criminal prosecution, depending on the nature of the violation.

48. The provision in the Computer Usage Policy that prohibits "any communication which tends to embarrass or humiliate any member of the community" does not define the terms "embarrass" or "humiliate," nor does it provide any type of threshold that speech or conduct must reach in order to meet these standards. This allows the policy to be enforced on the basis of mere hurt feelings, subjective damage to reputation, and alleged mental or emotional harm.

49. The Computer Usage Policy does not define "lewd" or "harassing," leaving the Defendants with unbridled discretion to expand or restrict the definition of "lewd" and "harassing" to sanction speech they do not like or allow speech with which they agree. The policy likewise does not define "obscene" comments, leaving the Defendants with unbridled discretion to enforce the policy against the mere use of profane language or commentary on a topic of a sexual nature.

50. The Computer Usage Policy also requires CSU computer users to "Respect the mission of the University in the larger community." Neither "respect" nor the "larger community" is defined. Anyone accessing the Internet through CSU's servers is thus required to express themselves in private communications or non-university forums, such as Facebook, in a way that "respects" the University or be potentially subject to discipline for violating that nebulous standard.

51. The Computer Usage Policy vests Defendants with unbridled discretion to expand or restrict the definition of “respect” to sanction speech they do not like or allow speech with which they agree.

52. Plaintiffs fear that they will be disciplined under this policy for posting entries on their blog, *CSU Faculty Voice* even though the blog is not maintained on university servers. The Policy does not provide standards or definitions to guide the discretion of the public officials of CSU tasked with determining whether a computer user’s speech can be properly sanctioned. Thus, CSU public officials are empowered to administer the Computer Usage Policy arbitrarily or on the basis of impermissible factors, such as the content and viewpoint of speech as well as whether particular speech is critical of the university or its leadership.

E. Unconstitutional Cyberbullying Policy

53. On May 9, 2014, CSU adopted a new “Cyberbullying Policy” that prohibits “deliberate or repeated conduct” that “harasses [or] intimidates an individual ... or has the effect of substantially disrupting the individual’s daily life via the use of electronic information and communication devices; [] the use of information and communication technologies to support a deliberate, repeated, and hostile course of conduct that is intended to harm others; or [] intentional and repeated harm inflicted through the use of computers, cell phones, and electronic devices.”

54. This policy applies to any and all “electronic speech,” defined as: “expressive conduct (verbal, aural [sic], graphic, symbolic, or written) that is conveyed or otherwise communicated via electronic information and communication technology devices and/or media” including e-mail messages, instant messaging, text messaging, cellular telephone

communications, internet blog postings, social media site postings, internet chat room posts, and/or internet postings.”

55. As written, CSU’s “Cyberbullying Policy” is not limited to “harassment” that is severe, pervasive, and objectively offensive.

56. The policy’s definition of cyberbullying, prohibiting, in part, “conduct or activity” that “harasses . . . an individual,” does not define the term “harass,” nor does it limit the University’s ability to intervene in communications faculty or students might have with those not affiliated with the University. This vests Defendants with unbridled discretion to expand or restrict the definition of “harass” to sanction speech they do not like or allow speech with which they agree.

57. The policy does not define the term “harm” in its prohibition on “the use of information and communication technologies to support a deliberate, repeated, and hostile course of conduct that is intended to harm others.” Nor does it define the term “harm” in its ban on “intentional and repeated harm inflicted through the use of computers, cell phones, and electronic devices.” These provisions vest Defendants with unbridled discretion to expand or restrict the definition of “harm” to sanction speech they do not like or allow speech with which they agree.

58. Plaintiffs fear that the lack of any definition, illustration, or limitation for the term “harm” means that the “Cyberbullying Policy” will be used to punish speakers, such as the Plaintiffs, whose speech causes hurt feelings, embarrassment, subjective damage to reputation or emotional harm.

59. Plaintiffs’ fear about the expansive conception of “harm” is amplified by the fact that subsection ii requires only “hostile” expression that “is *intended* to harm others” (emphasis

added). Under this formulation, speech is subject to censorship and discipline if it is “hostile” to another person or entity and is deemed to demonstrate an “intent” to harm others, even if no such harm, however slight, ever occurs.

60. As used in the “Cyberbullying Policy,” the term “repeated” encompasses any “conduct that is engaged in on more than one occasion as well as conduct that has a continuing manifestation beyond the time of the conduct itself, including, without limitation, internet blog postings, social media site postings, internet chat room postings, and/or other internet postings.” Thus, refusal to remove an offensive online message would be considered a “repeated” violation of the policy.

61. The policy does not provide adequate standards or definitions to guide the public officials of CSU tasked with determining whether a student’s or faculty member’s expression can be properly sanctioned. Thus, CSU public officials are empowered to administer the policy arbitrarily or on the basis of impermissible factors, such as the content and viewpoint of speech as well as whether particular speech is critical of the university or its leadership.

62. The policy provides for disciplinary action “under the relevant collective bargaining agreements, Board of Trustees Regulations, State Universities Civil Service Status and Rules, or University Student Conduct Code” regulations.

VI. CAUSES OF ACTION

COUNT I

Facial Challenge to Violation of Right to Free Speech Under the Plaintiffs’ First and Fourteenth Amendment Rights (42 U.S.C. § 1983) – (Computer Usage Policy) (All Defendants)

63. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

64. Defendants’ Computer Usage Policy is unconstitutionally overbroad due to its prohibition on “any communication which tends to embarrass or humiliate any member of the

community.” This restricts any discussion that criticizes university leadership or decision-making, as well as any speech that sheds a negative light on the institution, as the University could argue that such discourse creates public “embarrassment” or “humiliation” for the institution.

65. The Computer Usage Policy is also overbroad because of its ban on “lewd, obscene, defamatory or harassing comments,” as well as its instruction to “Respect the mission of the University in the larger community.” While speech that is “lewd” or lacking in “respect” may be distasteful to some or even many individuals, such speech is protected by the First Amendment.

66. The government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

67. The Computer Usage Policy burdens far more speech than is necessary to serve any asserted interests on the part of the University. Rather than being narrowly tailored to protect speech as the Constitution requires, this policy broadly prohibits speech, and thus inhibits the free exchange of ideas that is central to higher education.

68. Even if narrowly tailored, a restriction on speech is void for vagueness if the prohibitive terms are not clearly defined such that a person of ordinary intelligence can readily identify the applicable standard for inclusion and exclusion. *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

69. Vague and undefined policies vest in the public officials who must enforce them an unbridled discretion that may be exercised in an inconsistent or discriminatory manner.

70. Restrictions on expression in CSU's Computer Usage Policy do not provide standards to guide the discretion of CSU officials who must enforce it. This empowers them to administer the policy arbitrarily or on the basis of impermissible factors, including the content and viewpoint of speech.

71. Defendants' Computer Usage Policy is unconstitutionally vague because it fails to define or illustrate key terms such as "embarrass," "humiliate," "lewd," and "respect." The policy ignores the fact that speech that is "embarrassing" or "disrespectful" in one person's eyes, for example, may be perfectly innocuous to another person.

72. The Computer Usage Policy's vague command to "[r]espect the mission of the University in the larger community" does not provide the requisite specificity as to the regulation's reach into expressive activity. This allows the University to broadly enforce the provision against speech that is critical of CSU or sheds a negative light on it in the community.

73. The Computer Usage Policy's lack of guidance leaves faculty members and students to guess at the type of expression it may restrict. Students and faculty members will likely self-censor rather than risk disciplinary action.

74. As a direct result of Defendants' Computer Usage Policy, faculty and students at CSU are deprived of their right to free speech under the First and Fourteenth Amendments to the Constitution.

75. As a legal consequence of Defendants' violation of Plaintiffs' and other similarly situated faculty members' and students' First and Fourteenth Amendment rights, as alleged above, Plaintiffs are entitled to injunctive relief and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

COUNT II

**Facial Challenge to Violation of Right to Free Speech Under the Plaintiffs'
First and Fourteenth Amendment Rights (42 U.S.C. § 1983) – (Cyberbullying Policy)
(All Defendants)**

76. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

77. Defendants' Cyberbullying Policy is unconstitutionally overbroad due to its prohibition on "the use of information and communication technologies to support a deliberate, repeated, and hostile course of conduct that is intended to harm others," as well as on "intentional and repeated harm inflicted through the use of computers, cell phones, and electronic devices."

78. The Cyberbullying Policy lacks any definition, illustration, or limitation for the term "harm," giving Defendants unfettered discretion to punish speech that causes hurt feelings, embarrassment, subjective damage to reputation or emotional harm.

79. The Cyberbullying Policy is also unconstitutionally overbroad because it purports to regulate all speech in any medium of electronic communication both on and off campus.

80. The Cyberbullying Policy burdens far more speech than is necessary to serve any asserted interests on the part of the University. Rather than being narrowly tailored to protect speech as the Constitution requires, this policy broadly prohibits speech, and thus inhibits the free exchange of ideas that is central to higher education.

81. Defendants' Cyberbullying Policy is also unconstitutionally vague because it bans speech protected by the First Amendment without defining its key terms. The policy does not define the term "harm" at all, nor does it define what it means to "harass" an individual. These omissions allow the policy to be enforced against virtually any expression that offers a

negative or unflattering opinion of another person, including speech that is critical of a university official or leadership.

82. Faculty and student First Amendment rights are subject to the unfettered discretion CSU administrators, such as the Defendants, who are given the discretion to enforce the Cyberbullying Policy, no matter how unreasonable or hypersensitive their interpretations of particular speech may be.

83. The resulting uncertainty will lead many faculty members and students to censor their own expression rather than risk disciplinary action, creating a harmful chilling effect on campus discourse.

84. As a direct result of Defendants' Cyberbullying Policy, faculty and students at CSU are deprived of their right to free speech under the First and Fourteenth Amendments to the Constitution.

85. As a legal consequence of Defendants' violation of Plaintiffs' and other similarly situated faculty members' and students' First and Fourteenth Amendment rights, as alleged above, Plaintiffs are entitled to injunctive relief and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

COUNT III
As-Applied Violation of Plaintiffs' Right to Free Speech
Under the First and Fourteenth Amendments (42 U.S.C. § 1983)
(Defendants Watson, Cage, and Carter)

86. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

87. All of the acts of Defendants, their officers, agents, employees, and servants were executed, and are continuing to be executed, by the Defendants under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State of Illinois.

88. The views expressed on *CSU Faculty Voice* are protected under the First Amendment. Defendants' attempts to silence them violate the constitutional rights of the authors.

89. Defendants' attempts to censor the Plaintiffs by demanding that they cease publication of the *CSU Faculty Voice* and threatening legal action violate the First and Fourteenth Amendments.

90. Defendants' efforts to investigate or sanction the Plaintiffs for views published in the *CSU Faculty Voice* under CSU's Computer Usage Policy violate the First and Fourteenth Amendments.

91. Defendants' efforts to investigate or sanction the Plaintiffs for views published in the *CSU Faculty Voice* under CSU's Cyberbullying Policy violate the First and Fourteenth Amendments.

92. Defendants' efforts to subject the Plaintiffs to disciplinary procedures based on their expressive activities violate the First and Fourteenth Amendments.

93. Defendants have deprived Plaintiffs and others of their clearly established rights to freedom of speech and expression secured by the First and Fourteenth Amendments to the Constitution of the United States. By attempting to shut down Plaintiffs' blog and punish them for expressing their views, Defendants have violated a clearly established constitutional right of which all reasonable college administrators and staff should have known, rendering them liable to Plaintiffs under 42 U.S.C. § 1983.

94. The denial of constitutional rights is irreparable injury *per se*, and Plaintiffs are entitled to declaratory and injunctive relief. As a consequence of being denied the First

Amendment right to express themselves, Plaintiffs experienced significant emotional pain and anguish.

95. As a legal consequence of Defendants' violation of Plaintiffs' and other similarly situated faculty members' and students' First and Fourteenth Amendment rights, as alleged above, Plaintiffs are entitled to injunctive relief and the reasonable costs of this lawsuit, including their reasonable attorneys' fees. Plaintiffs are also entitled to damages in an amount to be determined by the court.

COUNT IV

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

96. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

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

98. Plaintiffs desire a judicial determination of their rights against Defendants as they pertain to Plaintiffs' right to speak without being subjected to regulations that are overbroad, that are not narrowly tailored to serve a substantial governmental interest, and that are vague.

99. To prevent further violation of Plaintiffs' constitutional rights by Defendants, it is appropriate and proper that a declaratory judgment issue, pursuant to 28 U.S.C. § 2201 and Fed.R.Civ.P. 57, declaring Chicago State University's Student Conduct Code policies unconstitutional.

100. Furthermore, pursuant to 28 U.S.C. § 2202 and Fed.R.Civ.P. 65, it is appropriate and hereby requested that this Court issue a permanent injunction prohibiting the Defendants from enforcing their restrictions on Plaintiffs' expressive activities to the extent they are

unconstitutional and to prevent the ongoing violation of Plaintiffs' constitutional rights. Plaintiffs and their fellow faculty, as well as CSU students, are suffering irreparable harm from continued enforcement of CSU's unconstitutional policies, monetary damages are inadequate to remedy their harm, and the balance of equities and public interest both favor a grant of injunctive relief.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Phillip Beverly and Robert Bionaz respectfully request that the Court enter judgment against Defendants and provide Plaintiffs the following relief:

A. A declaratory judgment stating that Defendants' Computer Usage and Cyberbullying Policies are unconstitutional facially and as-applied, and that they violate Plaintiffs' rights as guaranteed under the First and Fourteenth Amendments to the United States Constitution;

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

C. A declaratory judgment that Defendants' censorship of Plaintiffs' expressive activity violated their First and Fourteenth Amendment rights;

D. Monetary damages in an amount to be determined by the Court to compensate for the Defendants' censorship and threat of punishment that chilled Plaintiffs' expressive activity;

E. Plaintiffs' reasonable costs and expenses of this action, including attorneys' fees, in accordance with 42 U.S.C. § 1988, and other applicable law; and

F. All other further relief to which Plaintiffs may be entitled.

VIII. DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of all issues properly triable by jury in this action.

DATED: July 1, 2014

By: _____ /s/

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EXHIBIT A

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November 11, 2013

Dr. Phillip A. Beverly
Publisher and Editor
Chicago State University Faculty Voice Blog
Chicago, Illinois

Re: CEASE and DESIST from Infringement of Chicago State University Trade Names and Marks

Dear Dr. Beverly:

As Vice President and General Counsel for Chicago State University ("CSU" or "University"), I am charged with monitoring and protecting all of the University's legal rights. Included among those rights are the CSU trade name and trademark rights. The University owns numerous trade names, trademarks, service marks and designs that are associated with its educational, athletic and community outreach services. Accordingly, the University maintains legal rights to control and limit the use of such trademarks and trade names.

On November 6, 2013, as a result of statements you made at a meeting of the President's Executive Council, it came to my attention that you publish an on-line blog called the "Chicago State University Faculty Voice Blog," <http://csufacultyvoice.blogspot.com/>, without any content civility standards. As the publisher, administrator and editor of the Chicago State University Faculty Voice Blog, you are using CSU's trade names and marks without permission or a license from the University to do so.

Moreover, the lack of civility and professionalism expressed on the blog violates the University's values and policies requiring civility and professionalism of all University faculty members. As an educational institution, the University encourages intellectual discourse. Such discourse often includes opposing viewpoints. Thus, high standards of civility and professionalism are central tenants of the University's values and included in the standards of conduct required of faculty members.

Please be advised that this unauthorized use of the CSU names and marks constitutes, among other things, trademark infringement, trademark dilution, and other potential causes of action under state and federal law. Your unauthorized use of CSU's trade names and marks in association with your blog has caused, and will continue to cause, confusion. Specifically, your use of the mark falsely denotes association with CSU in that the comments and views posted on the Blog are not those of or endorsed by the University. Further, your use of the mark diminishes the University's brand.

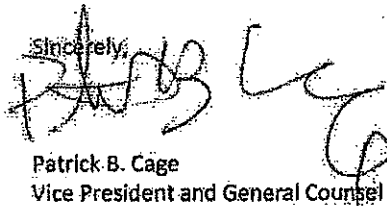
CHICAGO STATE
UNIVERSITY

Dr. Phillip A. Beverly, Publisher and Editor
Re: Infringement of Chicago State University Trade Names and Marks
Page 2

We therefore demand that you immediately disable Chicago State University Faculty Voice Blog and any posting that includes the unauthorized use of any trade names or trademarks owned by the University. Please provide us with written confirmation that you have complied with the request no later than November 15, 2013, in order to avoid legal action.

Pursuant to applicable federal statutes and state laws, we also request that you preserve a copy of your blog home page and any associated web pages that contain any of the University's trade names and trademarks, in the event litigation ensues or until this issue has been resolved. Further, be advised that this letter does not constitute an exhaustive statement of the University's position nor does it constitute a waiver or limitation of any of the University legal or equitable rights, all of which are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick B. Cage", is written over the typed name and title.

Patrick B. Cage
Vice President and General Counsel

EXHIBIT B

6/27/2014

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CSU Computer Usage Policy

Introduction

This document provides guidelines for appropriate use by students, faculty and staff of computers, and other technological facilities and services at Chicago State University. It is not a comprehensive document covering all aspects of computer and technology use. It offers principles to help guide members of the Chicago State University community, and specific policy statements that serve as a reference points.

This policy will be modified as new questions and situations arise. Each individual who uses Chicago State University's computing facilities thereby agrees that his/her use of these facilities will remain within the bound of acceptable use as described in this and other University computing policies or other Chicago State University codes of conduct.

Technology is an enormously rich resource for innovation in the furtherance of Chicago State University's academic mission. It also offers new forums for the University's historic commitment to the expression and discussion of a wide diversity of ideas and opinions. But technology also increases the risks of actions, deliberate or not, that are harmful in various ways, including: (a) interference with the rights of others; (b) violation of the law; (c) interference with the mission of the University; or (d) endangering the integrity of the University's information computer systems, network or other technologies.

The proliferation of computers and information technologies does not alter basic codes of behavior in academic life, but, it does place some issues in new contexts. Chicago State University computing systems and resources shall be used only for legitimate University purposes, including instruction, research, administration, public information and service and other approved tasks.

Technology has greatly expanded our ability to access and exchange information. The use of technology therefore, requires more vigilant efforts and more secure safeguards to protect both property and privacy rights.

The guidelines that follow seek to both preserve the freedom to inquire and share information and sustain the security and integrity of individuals within the community, computers and the network system itself. While some of the guidelines call for respectful and responsible use of the computer networks to protect the rights of individuals, others warn against actions that may violate the law.

Responsibility

All computers, network or other technology users have the responsibility to use CSU technology resources in an efficient, ethical, and lawful manner. User should:

1. Know and understand CSU's Computer Use Policy.
2. Abide by CSU policy on ownership and responsibility for CSU websites, copyright, intellectual property and fair use.
3. Maintain their own files, save and back up all data, and remove outdated materials from network storage.
4. Protect the integrity of their accounts by changing passwords regularly, not giving passwords to any other person, or not leaving a networked computer without logging out.
5. Learn how to operate the hardware and software the user has.

Principles and Guidelines

Use of CSU's computers, networks and other technologies are privileges.

CSU may restrict students, staff, faculty or other authorized users who:

1. Enters and University any computer, computing network, server or system which is unauthorized.
2. Engages in any activity that violates the integrity or interferes with the normal operation of the University's computing system.
3. Uses and "peer to peer" software that violates digital rights management. The use of any "peer to peer" software that violates digital rights management is strictly prohibited.
4. Makes an unauthorized access of the University's computing system by:
 - Any use of another person's identification and password;
 - Unauthorized use of another person's device for accessing the network or other systems;

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Computer Usage Policy | Information Technology Division | Chicago State University

- Unauthorized entry into another person's device or system files to read or change a file's content;
- 5. Any activity which causes a denial of service upon University computing resources.
- 6. Any activity which launches a denial of service upon any other website.
- 7. Any activity that interferes with the work of another CSU student, faculty member, staff member or University official.
- 8. Any use for personal gain or commercial activity.
- 9. Any use for personal gain or commercial activity.
 - Accessing child pornography
 - Participation in chain letters
 - Introduction of malware or other hacker activity
 - Unauthorized reproduction or distribution of copyrighted material including software, text images, audio or video
 - Installation of software which is not licensed for use on the machine where it is installed.

Compliance with the Computer Use Policy Means:

1. Respect the rights and sensibilities of others.
 - a. Electronic mail and all other electronic communication (including websites and blog posts) should adhere to the University standards of conduct which prohibits any communication which tends to embarrass, humiliate or shed a negative light on any member of the community. Respect others you contact electronically by avoiding distasteful, inflammatory, harassing or otherwise unacceptable comments.
 - b. Others have a right to know who is contacting them.
 - c. Respect the privacy of others and their accounts. Do not access or intercept files or data of others without permission. Do not use the password of others or access files under false identity.
 - d. Distribution of excessive amounts of unsolicited mail is inappropriate.
 - e. Distribution of excessive amounts of unsolicited mail is inappropriate.
2. Be aware of the legal implications of your computer use.
 - a. The Internet enables users to disseminate material worldwide. Thus the impact of dissemination on the Internet is often far broader than that of a statement made on paper or in routine conversation.
 - b. Much of what appears on the Internet is protected by copyright law regardless of whether the copyright is expressly noted. Users should generally assume that material is copyrighted unless they know otherwise and not copy or disseminate copyrighted material without permission. Copyright protection also applies to much software, which is often licensed to the University with specific limitations on its use. Both individual users and the University may, in some circumstances, be held legally responsible for violations of copyright.
 - c. Many other state and federal laws, including those prohibiting deceptive advertising, use of others' trademarks, defamation, violations of privacy, and obscenity apply to network-based communications.
3. Respect the mission of the University in the larger community
 - a. The University makes internet resources available to students, faculty and staff to further the University's educational, research, service and University-related activities and missions. Recognizing that the Internet is also an integral part of socialization and leisure among students living on campus, the network is available to students for purposes of non-academic communications and entertainment to the extent that such use does not compromise the network or the amount of bandwidth available for academic-related uses.
 - b. The University makes internet resources available to students, faculty and staff to further the University's educational, research, service and University-related activities and missions. Recognizing that the Internet is also an integral part of socialization and leisure among students living on campus, the network is available to students for purposes of non-academic communications and entertainment to the extent that such use does not compromise the network or the amount of bandwidth available for academic-related uses.
 - c. The University does not monitor the content of web pages, electronic mail or other on-line communications and is not responsible for the views expressed by individual users. Under certain circumstances, however, the University may be held liable if it fails to take reasonable remedial steps after it learns of illegal uses of its computer facilities. Use computer resources lawfully.

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Computer Usage Policy | Information Technology Division | Chicago State University

- d. Remember that you are responsible for all activity involving your account. Keep your account secure and private. Do not use identifying data or common words as a password; your password should be difficult to crack or otherwise guess either by individuals or by sophisticated computer programs.
 - e. Material posted on web pages is generally accessible and thus deserves even greater thought and care than your private electronic mail. Remember that, absent restrictions, your web page is available to anyone, anywhere, and act accordingly.
 - f. The University has a right to expect that computer users will properly identify themselves. Computer accounts are assigned and identified to individuals. Don't misrepresent yourself.
4. Do not harm the integrity of the University's computer systems and networks.
- a. Today's information technology is a shared resource. Respect the needs of others when using computer and network resources. Do not tamper with facilities and avoid any actions that interfere with the normal operations of computers, networks, and facilities.
 - b. Avoid excessive use of computer resources. They are finite and others deserve their share. "Spamming" and similar inappropriate uses of University resources are not acceptable. Web pages that are accessed to an excessive degree can be a drain on computer resources and, except where significant to the University's mission, may require the University to ask that they be moved to a private Internet provider.
 - c. Although a respect for privacy is fundamental to the University's policies, understand that almost any information can in principle be read or copied; that some user information is maintained in system logs as a part of responsible computer system maintenance; that the University must reserve the right to examine computer files, and that, in rare circumstances, the University may be compelled by law or policy to examine even personal and confidential information maintained on University computing facilities.
 - d. You are granted privileges and responsibilities with your account. While these vary between groups, the use of University resources for personal commercial gain or for partisan political purposes (not including the expression of personal political views, debate and the like) is inappropriate and possibly illegal.
 - e. Individual University computer systems have varying resources and demands. Some have additional and sometimes more restrictive guidelines applicable to their own user.

Implementation

- A. All University codes of conduct apply to information technology as well as to other forms of communication and activity.
- B. Systems managers or other individuals within an academic or administrative unit may be empowered to suspend some or all privileges associated with computer use in cases of misuse or threat to the integrity of all or part of the University's information management resources.
- C. Before any permanent action is taken against a user, the user will be advised of the bases for the proposed action and given an opportunity to respond. Concerns about such actions may be raised through the usual administrative or academic channels associated with the dean, school, facility or resource in question.
- D. Where a violation of University policies or applicable law appears to warrant action beyond a suspension or elimination of computer privileges, the matter may be referred to a supervisor, administrator or University disciplinary body with appropriate authority or to law enforcement authorities.
- E. Complaints or concerns about another's use of University computer resources should be directed to the administrator responsible for the facility or resource in question.
- F. If you have any questions regarding proper computer usage contact your ethics officer at ethics@csu.edu.
- G. If you have any technical issues regarding the use of your computer, software, server or other network services contact ITD at helpdesk@csu.edu.

Chicago State University Computer Usage Policy (pdf)

9501 S. King Drive

6/27/2014

Computer Usage Policy | Information Technology Division | Chicago State University

Chicago, IL 60628
Phone: 773.995.2000



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EXHIBIT C

Goodman Towrov Hardy & Johnson LLC

105 W. Madison, Suite 1500
Chicago, Illinois 60602
Fax: (312) 264-2535

Wesley E. Johnson
Tel: (312) 752-4828
wjohnson@wesleyjohnsonlaw.com

November 27, 2013

Patrick B. Cage
Vice President and General Counsel
Chicago State University
9501 S. King Drive/ADM 318
Chicago, IL 60628

Re: Your Cease and Desist letter of November 11, 2013

Dear Mr. Cage,

This firm has been retained by the Chicago State University faculty members who publish their opinions on the Chicago State University Faculty Voice Blog, located at csufacultyvoice.blogspot.com.

As a preliminary matter, your letter was directed to Dr. Phillip Beverly. However, Dr. Beverly is only one of eight faculty members who cooperatively publish the Blog and thus could not unilaterally "immediately disable" the Blog as you demand. We will therefore treat your letter as if it had been directed to all faculty members associated with the Blog.

In your letter, you demanded that the faculty members immediately disable the Blog. That demand is rejected. Not only is it rejected, but the faculty members have demands of their own, specifically that 1) CSU and you stop threatening them with legal action for exercising their First Amendment rights and exposing questionable hiring and personnel decisions and 2) that the president of CSU, Dr. Wayne Watson, immediately resign.

The rationales for the rejection of your demand and the counter demands follow.

In your letter, you claim that the CSU faculty members' use of unspecified trademarks and trade names that you claim are owned by CSU constitutes "trademark infringement, trademark dilution, and other potential causes of action under state and federal law."

Based on those allegations, we believe it is unlikely that CSU would prevail in any lawsuit against the faculty members. Although your letter is vague as to what marks you claim have been infringed or diluted, you presumably mean the name CHICAGO STATE

UNIVERSITY and its acronym, CSU. In addition to your vagueness as to the actual marks used, your letter provides no analysis or demonstration that anything on the Blog is actually infringing or diluting CSU's marks.

You claim that the Blog "has caused" confusion. We would be interested in reviewing any evidence of confusion that you believe supports your contention of infringement.

In our view, the faculty members have the right to use CHICAGO STATE UNIVERSITY and CSU on their Blog and do not need "permission or a license" as you claim. We do not believe that anyone viewing the Blog could possibly be confused that the Blog is "associated" with CSU or that the comments posted on the Blog were "endorsed" by CSU for the simple reasons that 1) the faculty members have not claimed to have any "endorsement" from CSU and 2) the Blog is extremely critical of CSU.¹

We see no basis for your claim that the use of (presumably) CHICAGO STATE UNIVERSITY and CSU on the Blog constitutes "trademark dilution", we do not see any basis for the claim. We would appreciate any analysis that sheds light on this contention.

Finally, you claim that the Blog "diminishes the University's brand". That is possibly true in one sense. The faculty members' intention is that the readers of the Blog become concerned with the way CSU is being run. That concern could lead to those readers thinking less favorably about CSU. However, if that concern diminishes CSU's brand, that is not the fault of the faculty members or the Blog. Indeed, it would be more accurate to say that the Blog has attempted to expose what the faculty members consider the diminishment of CSU by its current administration. The faculty members are not diminishing CSU or its "brand". They are taking a stand *against* what in their opinion is CSU's diminishment.

We would like to remind you that Illinois's anti-SLAPP statute, the Citizen Participation Act, 735 ILCS 110/1 et seq. Should CSU follow through on its legal threats, we will move to dismiss the lawsuit under the Citizen Participation Act and we will seek the faculty members' attorney fees and court costs.

We therefore insist that you and CSU stop threatening the faculty members with a lawsuit. CSU may, of course, engage in public debate and the faculty members invite CSU's respond publicly to the many indiscretions exposed in the Blog. The faculty members will not threaten CSU with a lawsuit for expressing its opinions.

The faculty members demand that Dr. Wayne Watson resign for two reasons. First, under his tenure, CSU has seen student enrollment decline by 15.6 percent while the administrative ranks increased by 21 percent, and the upper administrative ranks (Assistant

¹ As to "association" with CSU, the faculty members ARE associated with CSU. In fact, they are all tenured professors at CSU.

VP and above) increased by 44 percent. For the good of CSU he ought to resign to enable his successor to reverse these troubling trends.

The second reason the faculty members believe that Dr. Watson should resign is because CSU has become, in their opinion, his personal fiefdom. It appears from the information unearthed by the faculty members that the Dr. Watson bestows favorable jobs on his personal friends and political allies, despite, in some cases, seemingly falsified or misleading employment information. In fact, CSU's unambiguous policy is termination for the falsification of information used by CSU in the hiring process, but no one with a false or misleading resume has been terminated. It is a reasonable inference that the reason that no terminations have occurred despite the exposure on the Blog of seemingly falsified credentials is that the wrongly hired employees enjoy the protection of Dr. Watson.

In fact, your "cease and desist" letter was dated Monday, November 11, 2013, the next business day after the faculty members exposed what appears to be the partially falsified resume of Angela Henderson CSU's Interim Provost and Senior Vice President for Academic Affairs. The timing suggests that the real reason for your letter is not a concern over trademarks or civility, but to silence criticism by the faculty members of a CSU official.

On a final note, in the faculty members' opinions, while the state and federal taxpayers who support CSU have been victimized, CSU's students are the real victims. Resources that have been squandered on bloated administrative salaries should have been used to benefit students, not Dr. Watson's friends.

Please feel free to contact me at the email address or phone number above if you would like to discuss any of these issues in greater detail.

Very truly yours,

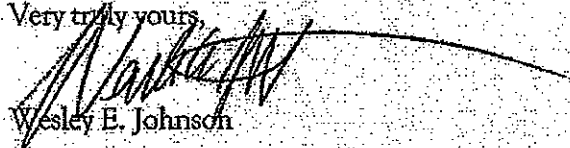

Wesley E. Johnson

EXHIBIT D

GONZALEZ
SAGSTO
HARRIS

January 3, 2014

Via Electronic Mail - wjohnson@guest.wjohnson.com
and U.S. Certified Mail - 7010 2780 0002 7371 0667

Wesley B. Johnson
Goodman Tovey Hardy & Johnson LLC
105 W. Madison, Suite 1500
Chicago, IL 60602

Re: WWW.CSUFACULTYVOICE.BLOGSPOT.COM

Dear Mr. Johnson:

I am in receipt of your letter of November 27, 2013, addressed to Patrick Cage, Vice President and General Counsel of Chicago State University ("CSU"). Suffice it to say that CSU disagrees with your characterization of your clients' use of CSU's trademarks, including the "CHICAGO STATE UNIVERSITY" mark.

As you know, your clients' Blog has not been authorized or endorsed by CSU or the CSU faculty as a whole. Yet it was structured to give that impression to the viewer and potential consumer of Chicago State University's academic services. The URL of the site (www.csufacultyvoice.blogspot.com) and the original title of the site (the "Chicago State University Faculty Voice Blog") seem to have been designed with the intention of giving the reader the false impression that the opinions expressed on the site are endorsed by and originate from the CSU faculty as a whole. Indeed, your clients' prior use of CSU's marks and image was also apparently intended to give the impression that the site is authorized by CSU, which it is not.

Since Mr. Cage sent the cease and desist letter on November 11, 2013, your clients made some changes to the site, apparently recognizing their improper use of CSU's marks. But the site continues to be problematic. It continues to use the confusing www.csufacultyvoice.blogspot.com URL, which gives Internet readers searching for information about CSU - including prospective students - the impression that the faculty as a whole has approved of the site. Moreover, the Blog continues to use a distinctive photographic image of the CSU campus - which is nearly identical to the photograph that CSU uses on its Admissions home page of the widely recognized CSU hedges¹ - which constitutes an element of CSU's trade dress. Such visual elements lure readers by creating the impression that the blog has been

¹ www.csu.edu/Admissions/AdmissionInformation.htm

GONZALEZ, SAGSTO AND HARRIS, P.C.
Attorneys at Law

www.gshllc.com

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Chicago, IL
Chicago, IL
Chicago, IL

Washington, DC
Washington, DC
Washington, DC
Washington, DC
Washington, DC

Washington, DC
Washington, DC
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Washington, DC

Wesley B. Johnson
January 3, 2014
Page 2 of 3

endorsed or sanctioned by the university. This photograph of the CSU hedges is the largest and most prominent visual element on your clients' Blog; only on a closer second inspection does the smaller text appear above the hedges, where the CHICAGO STATE UNIVERSITY mark has been altered with the word "Crony" superimposed over Chicago. In addition to all of this, it appears that this site continues to contain pop-up ads. As you know, the Lanham Act prohibits the use of a registered or unregistered mark in commerce when the designation is likely to cause confusion, mistake, or deception.

With regard to your threat of an anti-SLAPP action, it is not the University's intention to censor or inhibit the professors' speech. The University, however, does believe that further edits need to be made to the Blog to remove all elements that give the impression that the professors speak as the voice of the CSU faculty as a whole. Please direct your clients to not use CSU's mark, name and any CSU images on the Blog, and to stop representing that the Blog is authored on behalf of the entire CSU faculty. CSU further asks that your clients place the following disclaimer language prominently on the front page of the Blog.

This blog has been created and published by Philip Beverly and other individuals. The opinions, views, and information expressed in this blog are solely the opinions and views of the authors and have not been approved, endorsed, or authorized by Chicago State University. Chicago State University shall not be liable for any damages whatsoever resulting from any action arising in connection with its publication. Chicago State University is not responsible for the contents of any off-site information referenced herein.

Please note that the above is not intended to limit or prejudice CSU's rights in any way. CSU hereby expressly reserves all of its rights, and if required, litigation is one of those rights expressly reserved.

Sincerely,
Gonzalez, Saggio and Harlan LLP

By: 
Donald B. Levine

DBL/m

EXHIBIT E



EXHIBIT F



DRAFT

ELECTRONIC-HARASSMENT/CYBERBULLYING POLICY

RATIONALE

The purpose of this policy is to enhance Chicago State University's ("CSU" or "the University") efforts to prevent and redress harassment within the CSU community by expressly addressing the problem of electronic-harassment/cyberbullying.

CSU is committed to maintaining educational, residential and working environments that recognize the inherent worth and dignity of every person, that foster tolerance, understanding, and mutual respect, and that permit students and employees to pursue their goals free from harassment that substantially interferes with their educational opportunities, peaceful enjoyment of residence, physical security, or terms or conditions of employment (collectively, "protected interests").

Advances in communication technology have not only enabled harassers to bully their victims remotely but also to extend the reach of their harassing/disparaging communications literally worldwide—thereby substantially increasing the potential injurious and disruptive effects that could be caused by the harassment. Accordingly, this policy provides notice of offensive electronic-harassment/cyberbullying and provides express notice that speech and/or other expressive conduct engaged in off-campus may be subject to action by the University as provided herein.

CSU is also committed to principles of academic freedom and free speech. As an institution of higher education CSU endeavors to provide an academic environment in which free speech and differences of opinion are actively encouraged and facilitated, and where opinions and deeply held beliefs are challenged and debated. Critical to this mission is providing a nondiscriminatory environment that is conducive to learning. At times, respect for these ideals may require that members of the University community tolerate expressions of opinion that differ from their own or that they may find abhorrent.

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COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS

This policy is one of several policies plan specifically addresses the obligations of the institution under the following laws and regulations:

- Civil Rights Act of 1964, Title VII--prohibiting discrimination in employment based on race, color, religion, sex or national origin.
- Educational Amendments of 1972, Title IX--prohibiting discrimination based on sex against students and employees in any educational program or activity receiving Federal financial assistance.
- Equal Pay Act of 1963--amending the Fair Labor Standards Act of 1938 and requiring employers to provide equal pay for men and women performing similar work.
- Executive Order 11246, as amended by Executive Order 11375--prohibiting discrimination in employment on basis of race, color, religion, sex, or national origin by federal contractors and subcontractors having federal contracts in excess of \$50,000.
- Rehabilitation Act of 1973--prohibiting discrimination against handicapped persons (students or employees) by institutions receiving Department of Health and Human Services funding.
- American with Disabilities Act of 1990--containing broader protection for the handicapped than both the Illinois Human Rights Act and the Federal Rehabilitation Act of 1973. Persons with disabilities are protected not only from discrimination in employment, but discrimination regarding housing, access to public accommodations and services, transportation and telecommunications.
- Illinois Human Rights Act of 1980--establishing the Department of Human Rights and the Illinois Human Rights Commission, and prohibiting discrimination in all forms in connection with employment, real estate transactions, access to financial credit and availability of public accommodations.
- The Vietnam-era Veterans Readjustment Assistance Act of 1974--prohibiting discrimination in employment against Vietnam-era and disabled veterans.

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DEFINITIONS

As used in this policy, the following terms shall have the meanings set forth below.

"Cyberbullying" means (i) deliberate and repeated conduct or activity that threatens, harasses, intimidates an individual, places an individual in reasonable fear of harm to the individual or damage to the individual's property, or has the effect of substantially disrupting the individual's daily life via the use of electronic information and communication devices; (ii) the use of information and communication technologies to support a deliberate, repeated, and hostile course of conduct that is intended to harm others; or (iii) intentional and repeated harm inflicted through the use of computers, cell phones, and electronic devices. As used in this definition, the meaning of the term "repeated" includes conduct that is engaged in on more than one occasion as well as conduct that has a continuing manifestation beyond the time of the conduct itself, including, without limitation, internet blog postings, social media site postings, internet chat room postings, and/or other internet postings.

"Electronic speech" means expressive conduct (verbal, aural, graphic, symbolic, or written) that is conveyed or otherwise communicated via electronic information and communication technology devices and/or media, tweets, including, without limitation, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blog postings, social media site postings, internet chat room posts, and/or internet postings.

"Employee" has the same meaning as "Staff" or "Staff member" and means a person other than a faculty member who receives compensation for work or services from funds controlled by the University, regardless of the source of funds, the duties of the position, or the amount of compensation paid

"Faculty" or "faculty member" means any individual who teaches or conducts research at or under the auspices of the University and includes students with teaching responsibilities and other instructional personnel.

"Off-Campus" means any property, building, facility, location, premise, or site that does not fall within the definition of "off-campus."

"On-Campus" means (i) the CSU campus, and any property, building or facility, that is owned, leased, used, operated or controlled by the University, (ii) non-University property, buildings, facilities, locations, or sites, during the period of time when it is used for authorized University functions including, but not limited to, registration, classroom or laboratory instruction, lectures, concerts, receptions, assemblies, intramural activities or intercollegiate athletic events; and (iii) any property, building, facility, location, premise, or site where and during the period of time when a member of the University Community is attending, participating or engaged in a

Page 4

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University affiliated/sponsored activity, including, without limitation, internships, practica, field-placements, experiential-learning sites, community-placement sites, clinical service sites.

"Staff" or "Staff member" has the same meaning as "Employee" and means a person other than a faculty member who receives compensation for work or services from funds controlled by the University, regardless of the source of funds, the duties of the position, or the amount of compensation paid.

"Student" means a person who is currently, or was at the time of conduct at issue, matriculated and/or registered in any class or program of instruction or training offered by the University at any level, whether or not for credit.

"University" means Chicago State University ("CSU") and all of its undergraduate, graduate, and professional schools, divisions and programs.

"University activity" means attending classes, classroom instruction, teaching, research, service, administrative functions, ceremonies, or educational or community programs conducted under the auspices of the University, including, without limitation, internships, practica, field-placements, experiential-learning, community-placement service, clinical service sites

"University community" or "member of the University community" means a student, faculty member, administrator, Trustee, Board member, member of any body advisory to the University, staff member, guest, invitee, employee, or agent of CSU.

POLICY

Harassment of any member of the University community is prohibited.

Expressive conduct constituting Harassment subject to this policy includes:

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while on-campus;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while participating in a CSU sponsored program or activity on-campus or off-campus;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while acting in an official capacity for CSU or while conducting business on behalf of CSU on-campus or off-campus;

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Electronic speech and/or cyberbullying that is transmitted, received, or disseminated through use of University-owned information technology resources, computer networks or systems, or IT resources, computer networks or systems, access to which is made available to the University Community by CSU;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, on or off campus by a CSU employee that may reasonably be interpreted as making submission to unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature a term or condition of an individual's employment of education, or a factor in an individual's academic or employment status;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, on or off campus by a CSU employee that may reasonably be interpreted as making submission to or rejection of unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature by an individual a basis for employment or academic decision affecting such individual.

Off-campus expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, that is intended by the speaker to reach the CSU campus and does, in fact, reach the CSU campus and:

(A) creates (i) a material and substantial disruption of CSU's educational mission, operations, activities, or programs, or (ii) a reasonable foreseeable risk/likelihood of causing such a disruption;

(B) materially and substantially denies, limits, or interferes with another's ability to fully participate in or benefit from CSU's educational programs or activities, or creates a reasonable foreseeable risk/likelihood of causing any such effect;

(C) causes a material and substantial adverse impact on the work environment of a CSU faculty member or employee that amounts to a material and substantial change in the employee's terms or conditions of employment, or creates a reasonable foreseeable risk/likelihood of causing such adverse impact;

(D) is severe or pervasive, and objectively and subjectively has the effect of unreasonably interfering with another's work or equal access to education, or is severe or pervasive and creates a reasonable foreseeable risk/likelihood of causing such interference;

(E) is sufficiently severe, pervasive, or persistent that it interferes with work, educational performance, on-campus living, or participation in a University activity on or off campus, or is

Page 6

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severe or pervasive and creates a reasonable foreseeable risk/likelihood of causing such interference;

(F) communicates a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals and an objective, reasonable recipient of the expressive conduct would regard it as a serious expression of intent to harm;

(G) is directed to or at a University student because of his or her sex, is unwelcome to the recipient, and is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victim's educational experience, that the victim-students are effectively denied equal access to the University's resources and opportunities, or creates a reasonable foreseeable risk/likelihood of causing such denial;

(H) is directed to or at a University employee because of his or her sex, is unwelcome to the recipient, and is so severe, pervasive, and objectively and subjectively offensive, and that so undermines and detracts from the victims' employee's performance of his or her employment-related duties or responsibilities; that the terms and conditions of the employee's employment are materially and substantially altered, or creates a reasonable foreseeable risk/likelihood of causing such alteration; or

(I) is (1) directed at an individual because of that individual's age, color, disability, sex, national origin, race, religion, sexual orientation, or veteran's status, (2) unwelcome to the individual at whom the conduct is directed; and (3) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the victim would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of University employment and/or a University activity, opportunity, or resource.

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REPORTING HARASSMENT & COMPLAINT PROCEDURE

Responsibilities

Any member of the University community who believes he/she has been subjected to discriminatory harassment against may file a complaint with the Equal Employment Opportunity (EEO) Office. The EEO Office is responsible for conducting investigations of alleged discrimination and sexual harassment complaints. Any employee or student may at any time contact the EEO Office for purposes of advice, discussion of an alleged discrimination complaint and/or assistance in undertaking a formal or informal resolution of a complaint. An investigation leading to a formal determination will normally be undertaken by the EEO Coordinator or his/her designee upon receipt of a written complaint. If there are multiple reports of allegedly illegal harassment or discrimination or of a single allegation of particularly grievous harassment or discrimination, the EEO Coordinator may, after consultation with the President (or President's designee), initiate an investigation in the absence of receipt of a written complaint. Complaints should be submitted as soon as possible after the alleged discrimination has occurred in order to permit prompt and equitable resolution. In situations that require immediate action because of safety or other concerns, the University may take any necessary action (e.g. suspension with pay) in order to facilitate the investigation.

The investigation shall be completed as thoroughly and expeditiously as possible. Any University staff and/or faculty member in a supervisory role has the duty to report to the EEO Office any known alleged discriminatory harassment and/or discriminating behavior based on sex, race or other basis (referenced above) that creates a hostile environment, whether or not a complaint has been made by an alleged victim. A complaint of alleged discrimination, including sexual harassment, against the University President should be filed with the Chair of the University Board of Trustees. Complaints against the EEO Coordinator or Officer should be filed with the President, who will appoint a neutral party to carry out the role of the EEO Office as outlined below.

Complaint Procedures

1. Complainant will be asked to complete an in-take form which will include a description of the alleged discrimination and the nature of the remedy desired. Any investigation may be assigned by the EEO Officer to the EEO Coordinator and/or any appropriate designee.
2. A private interview will be conducted by the Coordinator with the complainant.
3. The Coordinator will notify and interview the person(s) named in the complaint (respondent) to apprise them of the charges and afford them an opportunity to respond.

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4. The investigation by the Coordinator will include interviewing witnesses, collecting documentation, and seeking any additional information necessary. In conducting the investigation, the Coordinator shall have unrestricted access to all pertinent materials, records, reports and documents in possession of any University personnel, and shall be afforded the opportunity to interview all persons possessing relevant information.
5. The Coordinator may assist in the informal resolution of the complaint. With the consent of both parties involved, the Coordinator will arrange for information to be shared between the parties regarding applicable issues and appropriate remedies. Failure to reach a resolution will result in the continuation of the investigation.
6. The Coordinator will prepare and forward a written report of the investigation and findings to the EEO Officer. The EEO Officer will then determine whether there exists substantial evidence to support the alleged complaint.
7. A final written determination, setting forth the EEO Officer's decision will be sent to both the complainant and the respondent.
8. If disciplinary action is required as a result of a finding against the respondent, procedures under the relevant collective bargaining agreements, Board of Trustees Regulations, State Universities Civil Service Status and Rules, or University Student Conduct Code will be followed.
9. A review of the final determination of the EEO Officer may be requested of the President.
10. Complainant has the right to file with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) at any time during an investigation. Be aware that IDHR and EEOC have time limitations for filing a charge of discrimination. Any retaliatory action taken by a University employee against a complaining party as a result of that party's seeking redress under these procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures. It is a violation of this policy for anyone to knowingly make false accusations of discrimination or harassment. Failure to prove a claim is not equivalent to a false allegation. Sanctions will be imposed for making false accusations of discrimination or harassment.

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RETALIATION

Retaliation by any member of the University community against an individual based on the individual's reporting of conduct prohibited by this policy or the individual's filing of a complaint under this policy is prohibited. Any member of the University community who engages in such retaliation shall be subject to discipline up to and including expulsion from the University and/or termination of University employment.

Revised 3/3/14

JS 44 (Rev. 3/13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>PHILLIP BEVERLY and ROBERT BIONAZ</p> <p>(b) County of Residence of First Listed Plaintiff <u>Cook</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p>JESSICA TOVROV - GOODMAN TOVROV HARDY & JOHNSON LLC 105 West Madison Street, Suite 1500, Chicago, IL 60602 312-252-7362</p>	<p>DEFENDANTS</p> <p>CHICAGO STATE UNIVERSITY BOARD OF TRUSTEES, WAYNE D. WATSON, PATRICK CAGE, and JANELLE CARTER</p> <p>County of Residence of First Listed Defendant <u>Cook</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p>1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p>2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendants)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td>1</td> <td>1</td> <td>Incorporated or Principal Place of Business in This State</td> <td>4</td> <td>4</td> </tr> <tr> <td>Citizen of Another State</td> <td>2</td> <td>2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>5</td> <td>5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>3</td> <td>3</td> <td>Foreign Nation</td> <td>6</td> <td>6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4	Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5	Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6
	PTF	DEF		PTF	DEF																				
Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4																				
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5																				
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 193 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 430 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)
 42 U.S.C. § 1983 - Civil rights action to vindicate constitutional free speech rights

VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Amt. TBD by Court CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

IX. RELATED CASE(S) IF ANY (See Instructions): JUDGE _____ DOCKET NUMBER _____

X. This case (check one box) Is not a refiling of a previously dismissed action is a refiling of case number _____ previously dismissed by Judge _____

DATE 07/01/14 SIGNATURE OF ATTORNEY OF RECORD /s/ Jessica Tovrov

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Previous Bankruptcy Matters For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

IX. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

X. Refiling Information. Place an "X" in one of the two boxes indicating if the case is or is not a refiling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.

**U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
ATTORNEY APPEARANCE FORM**

NOTE: In order to appear before this Court an attorney must either be a member in good standing of this Court's general bar or be granted leave to appear *pro hac vice* as provided for by Local Rules 83.12 through 83.14.

In the Matter of

Case Number: 14-04970

Beverly et al. v. Chicago State University Board of Trustees, et al.

AN APPEARANCE IS HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY FOR:
Plaintiffs

NAME (Type or print) Jessica Tovrov	
SIGNATURE (Use electronic signature if the appearance form is filed electronically) s/ Jessica Tovrov	
FIRM Goodman Tovrov Hardy & Johnson LLC	
STREET ADDRESS 105 West Madison Street, Suite 1500	
CITY/STATE/ZIP Chicago IL 60602	
ID NUMBER (SEE ITEM 3 IN INSTRUCTIONS) 6204666	TELEPHONE NUMBER 312.252.7362
ARE YOU ACTING AS LEAD COUNSEL IN THIS CASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
ARE YOU ACTING AS LOCAL COUNSEL IN THIS CASE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
ARE YOU A MEMBER OF THIS COURT'S TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
IF THIS CASE REACHES TRIAL, WILL YOU ACT AS THE TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IF THIS IS A CRIMINAL CASE, CHECK THE BOX BELOW THAT DESCRIBES YOUR STATUS. RETAINED COUNSEL <input type="checkbox"/> APPOINTED COUNSEL <input type="checkbox"/>	