

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

<b>ROSS ABBOTT, COLLEGE</b>	)	
<b>LIBERTARIANS AT THE UNIVERSITY</b>	)	
<b>OF SOUTH CAROLINA, and YOUNG</b>	)	
<b>AMERICANS FOR LIBERTY AT THE</b>	)	Case No. 3:16-538-MBS
<b>UNIVERSITY OF SOUTH CAROLINA,</b>	)	
	)	<b>COMPLAINT FOR INJUNCTIVE</b>
Plaintiffs,	)	<b>AND DECLARATORY RELIEF</b>
	)	<b>AND DAMAGES</b>
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>HARRIS PASTIDES, DENNIS PRUITT,</b>	)	
<b>BOBBY GIST, and CARL R. WELLS,</b>	)	
	)	
Defendants.	)	
	)	

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Ross Abbott, the College Libertarians at the University of South Carolina (“College Libertarians”), and the Young Americans for Liberty at the University of South Carolina (“YAL”) complain of Defendants and allege:

**I. INTRODUCTION**

1. Free speech controversies roiled American college campuses in the Fall of 2015, including high-profile demonstrations at the University of Missouri and Yale University. These controversies followed similar eruptions at universities across the country in recent years arising from such issues as race relations, the regulation of offensive speech, restrictions on faculty speech, and the ability of students and faculty members to exercise their First Amendment rights outside of tiny designated areas on campus, ironically-named “free speech zones.” Even the most benign speech – including the ability to distribute copies of the U.S. Constitution – can be censored if conducted outside these quarantined areas, as occurred at University of Hawaii-Hilo and at Modesto Community College in California. Meanwhile, at the University of South

Carolina (“USC” or the “University”), students learned that it is not safe even to talk about these various free speech controversies without risking enforcement under their school’s speech code and famous Carolinian Creed.

2. The Plaintiffs in this case – Ross Abbott, the College Libertarians, and YAL – found that they could face punishment for just trying to raise awareness among their fellow students about freedom of expression. Abbott, who serves as President of the College Libertarians, received a “Notice of Charge” letter from the University’s Office of Equal Opportunity Programs after he and the two organizations participated in a “Free Speech Event” in late November 2015. Despite the fact that Abbott and the groups obtained prior approval from the University after fully disclosing that their proposed displays would include expression that has been censored in the past (*e.g.*, a swastika, criticism of the slur “wetback,” anti-Israeli sentiment), and notwithstanding their efforts to inform students of the context in which each of the free speech disputes arose, the Office of Equal Opportunity Programs summoned Abbott for questioning after some students complained that the subject matter offended them and that they felt “triggered.”

3. The Office of Equal Opportunity Programs did not take disciplinary action against Abbott or the two student groups this time, but it also declined to change or even clarify its Student Non-Discrimination and Non-Harassment policy that was the basis of Abbott’s “Charge Letter.” The policy contains vague and broadly-worded provisions that forbid “unwelcome” or “inappropriate” “verbal conduct” (that is, speech) so that debates about same-sex marriage, racism, the Middle East, immigration policy, “trigger words,” or feminism could be subject to investigation and sanction by university authorities. A notation to the Carolinian Creed, incorporated into the University Policies and Procedures, states “Allegiance to these ideals [of

civility] requires each Carolinian to refrain from and discourage behaviors which threaten the freedom and respect every individual deserves.” These policies facilitate a “heckler’s veto” for other students who believe they have a right not be offended by discussions of serious social issues. And they exert a profoundly chilling effect, as penalties for violating the policies can include expulsion of individuals and disenfranchisement of student organizations.

4. This civil rights action seeks to protect and vindicate the First and Fourteenth Amendment rights of Ross Abbott, the College Libertarians, YAL, and all students and faculty at the University of South Carolina. The University’s speech code and free speech zone policies unlawfully restrict the USC community’s constitutional rights to free expression, and strike at the core mission of any university educating students. “State colleges and universities are not enclaves immune from the sweep of the First Amendment.” *Healy v. James*, 408 U.S. 169, 180 (1972). Accordingly, the United States Supreme Court has held that “[t]he 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). By bringing this case, the Plaintiffs intend to reaffirm these basic constitutional values.

## 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. The 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, and to issue the requested

injunctive relief pursuant to 42 U.S.C. § 1983 and Federal Rule of Civil Procedure 65. The Court is authorized to award attorneys' fees and costs pursuant by 42 U.S.C. § 1988.

8. Venue is proper in the United States District Court for the District of South Carolina 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**

9. Plaintiff Ross Abbott is a resident of Columbia, South Carolina. He currently serves as the president of College Libertarians at the University of South Carolina.

10. Plaintiff College Libertarians at the University of South Carolina is a recognized student organization at the University of South Carolina.

11. Plaintiff Young Americans for Liberty at the University of South Carolina is a recognized student organization at the University of South Carolina.

### **IV. DEFENDANTS**

12. Defendant Harris Pastides is President of the University of South Carolina. He is the university's chief executive officer, responsible for the University of South Carolina's administration and policy-making, and has ultimate authority to approve the policies and procedures challenged herein that were applied to deprive Plaintiffs of their constitutional rights. Defendant Pastides acted under color of state law and is sued for injunctive relief in his official capacity.

13. Defendant Dennis Pruitt is Vice President for Student Affairs, Vice Provost and Dean of Students at the University of South Carolina. Defendant Pruitt acted under color of state law and is sued for injunctive relief in his official capacity.

14. Defendant Bobby Gist is the Executive Assistant to the President for Equal Opportunity Programs at the University of South Carolina. Defendant Gist acted under color of state law and is sued in both his personal and official capacities.

15. Defendant Carl R. Wells is the Assistant Director of the Office of Equal Opportunity Programs and Deputy Title IX Coordinator at the University of South Carolina. Defendant Wells acted under color of state law and is sued in both his personal and official capacities.

## **V. STATEMENT OF FACTS**

### **A. The Free Speech Event**

16. In November 2015, Plaintiffs planned a Free Speech Event at the University of South Carolina to underscore the importance of free expression on college campuses.

17. Plaintiffs planned to set up tables outdoors on campus with a petition for students to sign in support of free speech rights at the university, as well as information from various free speech organizations on campus and in the community at large.

18. To draw attention to threats to free speech at college campuses like USC, Plaintiffs planned to create visual displays and handouts depicting censorship controversies that have occurred at USC and other universities throughout the country.

19. The Free Speech Event was designed to start a conversation at USC regarding free speech on campus and what limitations the First Amendment imposes on universities when they seek to censor students and faculty.

20. Acknowledging that the event may be controversial, Plaintiffs sought and obtained permission to hold the event from Kim McMahon, Director of Campus Life and the Russell House University Union.

21. Mr. Abbott provided McMahon a detailed description of the event and attended an hour-long meeting with McMahon to discuss the content of the event and to show her the posters the groups intended to display at the event.

22. McMahon approved the event, noting: “I see no controversy in educating campus about what is happening in the world. My goal would be to help you organize in a way that the ‘controversy’ is a chance to learn and grow (and even be a bit uncomfortable), not further any intolerance, censorship or acts of incivility.”

23. Plaintiffs submitted a space and facilities reservation to hold the event on campus in front of the Russell House University Union building, an area within the university’s free speech zone.

24. Plaintiffs’ Free Speech Event took place as planned on November 23, 2015. At the event Plaintiffs displayed posters and hand-outs referencing censorship incidents at other universities, including:

- a. A November 2015 incident at the University of Missouri, where university police issued a campus-wide email asking “individuals who witness incidents of hateful and/or hurtful speech” to call the police “immediately” so that necessary “disciplinary action” could be taken. *See* Exhibit A.
- b. Modesto Junior College’s threats to punish a student who distributed copies of the U.S. Constitution in observance of Constitution Day outside of the campus’s small “free speech area.” *See* Exhibit B.
- c. Chicago State University’s attempt to censor a private blog operated by faculty members that criticized the university, resulting in litigation. In another case at CSU, two students alleged the university shut down the independent student

newspaper, invalidated their election to the student government, and ultimately expelled one of them for drawing attention to alleged corruption at the university.

*See* Exhibit C.

- d. Ongoing censorship at Georgetown University, where the university has refused to recognize the student group “H\*yas for Choice,” contending that the group’s reproductive rights position conflicts with that of the university. *See* Exhibit D.
- e. A March 2015 incident at George Washington University where a Jewish student was suspended, evicted from university housing, and referred to law enforcement for possible commission of a “hate crime” for placing on a residence hall bulletin board a small, bronze Indian swastika that he obtained and learned about on a spring break trip to India. *See* Exhibit E.
- f. California State University’s decision to discipline a sorority for “willful, material, and substantial disruption” of university activities and “disorderly, lewd, indecent, or obscene conduct” for hosting a “Taco Tuesday”-themed recruitment event. *See* Exhibit F.
- g. Brandeis University’s determination that a professor engaged in racial harassment when he used the word “wetback” to explain the origins of, and criticize the use of that slur in his Latin American Politics course. *See* Exhibit G.
- h. The University of Illinois’s decision to rescind a job offer to Professor Steven Salaita because of anti-Israel tweets Salaita made from a personal Twitter account. *See* Exhibit H.
- i. Northwestern University’s censorship of an online university magazine that discussed a nurse performing oral sex on a patient in 1978. *See* Exhibit I.

j. Marquette University's efforts to revoke the tenure of a political science professor because of writings on his private blog. *See* Exhibit J.

k. A 2015 incident at USC where a student was expelled without due process after being photographed writing a racial slur on a whiteboard. *See* Exhibit K.

25. For each of these controversies the Plaintiffs provided information on the context in which the free speech issues arose in order to facilitate student engagement and discussion. They also displayed a poster that read, "I disapprove of what you say, but I will defend to the death your right to say it."

26. The Free Speech Event also included a "Safe Space," represented by a portable crib and a baby doll. It illustrated the belief that some college students seek to be coddled and protected from controversy by avoiding any ideas that might make them uncomfortable.

27. The Plaintiffs also displayed a statement of support for free expression at USC, *see* Exhibit L, and a petition for students to affirm their support. *See* Exhibit M. The petition stated, in relevant part, "We, the undersigned members of the Carolina community, pledge to all Carolinians, present and future, that we support and will defend your freedom of thought, conscience, inquiry, speech, expression, and communication. It is our moral obligation to defend the basic rights of all to free speech and expression, whether we support those views or not."

28. The Free Speech Event also included a "free speech board" for students to write messages to affirm their right to free expression.

29. The event lasted several hours, during which time Plaintiffs and their members had conversations with passersby about the role of free speech at the university.



**B. Defendants' Investigation**

30. The following day, on November 24, 2015, Mr. Abbott received a “Notice of Charge” from Defendant Carl Wells, Assistant Director of the Office of Equal Opportunity Programs at the university (“EOP Office”). The Notice said that Formal Complaints of Discrimination had been filed in response to the Free Speech Event by three students at the university. *See* Exhibit N.

31. Defendant Wells’ Notice instructed Mr. Abbott to respond within five days over the Thanksgiving holiday to schedule an appointment to “discuss the charges alleged,” and notified Abbott that he would need to participate in mandatory mediation to “resolve the complaint.”

32. Should the parties be unable to mediate, Defendant Wells notified Mr. Abbott that his office would “investigate the complaint,” which would result in “findings and recommendations” for review by USC’s Provost, and its President, Defendant Pastides.

33. Mr. Abbott was further instructed not to contact any of the complainants, and not to discuss the complaints “with any member of the faculty staff or student body.”

34. The three discrimination complaints against Mr. Abbott regarding Plaintiffs’ Free Speech Event were attached to Defendant Wells’ correspondence.

35. Complaint 1 alleged that Plaintiffs “hung several offensive signs at their event,” including a “poster that depicted a swastika,” and another that “had the word ‘Wetback’ on it and described what the slur meant.” Ignoring the educational and free speech purposes of the event, the complainant alleged that Plaintiffs “seem to want to use university resources and space to post offensive symbols and racial slurs.”

36. Complaint 1 further alleged that the event was “especially annoying to student organizers who go out of our way at our events to make sure that we limit cursing and sexual

innuendo in order to make our events more palatable to members of the administration,” and contended that Plaintiffs “should lose access to University funding for future events” as punishment.

37. Complaint 1 submitted three photographs purportedly taken of the Free Speech Event.

38. Complaint 2 described Plaintiffs’ “multiple offensive signs,” claiming they were “‘triggering’ to students on campus” and that they purportedly illustrated “how bigoted our student body can be.”

39. Complaint 2 asked that Plaintiffs’ future events be limited to the university’s “free speech zones when they desire to engage” in so-called “hate speech,” and that they be prevented from displaying “symbols that could incite a riot,” which “subject other students [and] prospective students to seeing inflammatory posters and offensive imagery.”

40. Complaint 2 attached one photograph purportedly taken of the Free Speech Event.

41. Complaint 3 alleged the Plaintiffs engaged in discrimination by displaying “[a] flag with a Nazi symbol,” and by “refus[ing] to remove it, citing ‘free speech’ as their reason.” Complaint 3 further alleged that “[a] jewish [*sic*] friend was violently triggered by seeing the symbol, and now feels unsafe on campus.”

42. Complaint 3 demanded that university authorities find that Plaintiffs’ event constituted a “hate crime against USC’s Jewish population” and to require an apology from the event’s organizers.

43. Mr. Abbott called Defendant Wells on November 24 to inquire about the charges and the disciplinary process initiated by the Office of Equal Opportunity Programs.

44. Defendant Wells confirmed that an investigation into the complaints would comply with university policy EOP 1.01, which details Equal Opportunity Complaint Processing Procedures. *See* Exhibit O.

45. Defendant Wells further confirmed that if his office's investigation concluded that the case should be sent to the Office of Student Conduct, Mr. Abbott would be subject to that office's authority to impose sanctions ranging from mandatory education/awareness classes, to suspension, or even expulsion.

46. At no point during their November 24 conversation did Wells identify what university policy Mr. Abbott was alleged to have violated by participating in the Free Speech Event.

47. USC's Student Non-Discrimination and Non-Harassment Policy is set forth in STAF 6.24. *See* Exhibit P. The policy prohibits discrimination and harassment on the basis of all "federally protected categories of student characteristics as well as those characteristics protected as a matter of USC policy."

48. A student can violate STAF 6.24 by engaging in "unwelcome" or "inappropriate" verbal conduct (meaning "speech"). The prohibitions in STAF 6.24 include "objectionable epithets, demeaning depictions," "unwelcome and inappropriate letters, telephone calls, electronic mail, or other communication," "repeated inappropriate personal comments," speech that employs "sexual innuendos and other sexually suggestive or provocative behavior," and even "suggestive or insulting gestures or sounds." STAF 6.24 defines none of these terms.

49. Likewise, under the Carolinian Creed, members of the community are obliged not to engage in speech or behavior that may "compromise or demean the dignity of

individuals or groups,” including such things as taunting, teasing, baiting, ridiculing or insulting others. The Carolinian Creed not only requires members to avoid such expression, but states that students “have an affirmative obligation to confront and challenge, respond to or report the behaviors whenever or wherever they are encountered.” *See* Exhibit Q.

50. Under the STAF 6.24 “Complaint Procedures,” students who are the subject of complaints must go through “Resolution Procedures” even if their speech is constitutionally protected under the First Amendment of the U.S. Constitution. If a complaint is not resolved informally pursuant to the “Resolution Procedures,” the complainant has the right to initiate formal proceedings.

51. Sanctions for individual violations of STAF 6.24 may include expulsion, suspension, conduct probation, conditions or restrictions on University privileges, written warnings, fines or restitution, housing sanctions, required attendance at educational or community service events, and “any other sanctions deemed appropriate by the EOP Office and OSC.”

52. Sanctions for student organization violations of STAF 6.24 may include permanent revocation of organizational registration, suspension of rights and privileges for a specified time, conduct probation, conditions or restrictions on University privileges, written warnings, fines or restitution, housing sanctions, required attendance at educational or community service events, and “any other sanctions deemed appropriate by the EOP Office and OSC.”

53. Whenever an informal resolution of a complaint is achieved under STAF 6.24, the EOP Office must make a written report of the resolution that is filed with a copy of the

complaint. If the complaint is not settled by informal resolution, the EOP Office proceeds to a formal resolution.

54. If the EOP Office finds no reasonable cause to believe that illegal discrimination or harassment has occurred, it will dismiss the complaint and advise the complainant that if he or she is dissatisfied with the decision, a complaint can be filed with the Office of Civil Rights of the United States Department of Justice.

55. Where the EOP Office finds that a complaint does not make out a case of illegal discrimination or harassment, it may elect to inform the University community of the occurrence(s) “in order to educate the community about issues presented by the behavior and reaffirm the University’s commitment to equal opportunity.” STAF 6.24, § II.B.2.b.i. Theoretically, the EOP Office could use such occasions to educate the University community about the school’s commitment to freedom of expression as guaranteed by the United States Constitution, but the policy says nothing about doing so.

56. STAF 6.24 requires the EOP Office to provide an annual report to the President summarizing discrimination and harassment complaints and the resolution (both informal and formal) of the complaints.

57. Mr. Abbott met with Defendant Wells on December 8, 2015 for 45 minutes. Michael Kriete, the President of Plaintiff YAL, also attended the meeting.

58. At the outset of the meeting, Mr. Abbott presented Defendant Wells with a letter pursuant to University policies (EOP 1.01, § II(C)3(b)), setting forth his defense of Plaintiffs’ Free Speech Event. *See* Exhibit R. Nevertheless, during the meeting Wells required Mr. Abbott to answer for and explain each poster that was subject to a complaint.

59. Mr. Abbott asked Defendant Wells why he was required to attend the meeting to answer for his speech and that of the student organizations since the event had been approved by the University. Mr. Abbott added that he would not agree to a mediated resolution or other type of “plea bargain” of any complaints because he had done nothing wrong by participating the Free Speech Event.

60. Mr. Abbott’s letter stressed that “it is vital to me and to the general atmosphere of free speech on our campus that the continuing cloud over the exercise of my First Amendment rights be lifted as soon as possible.”

61. Mr. Abbott’s letter set forth several actions the University would need to take to prevent its policies from chilling the exercise of constitutionally-protected speech. Specifically, it sought: (1) a letter terminating the proceeding and a written commitment that no further actions will be taken, and no sanctions imposed, on Abbott, the College Libertarians, or YAL because of the Free Speech Event, and that the complaints be expunged; (2) written clarification of how the University’s policies are to be interpreted and applied so as not to conflict with students’ First Amendment rights, including a commitment that the University will not find that illegal discrimination or harassment has occurred unless the behavior in question is severe, pervasive, and objectively offensive; (3) that the University join the statement produced by a committee at the University of Chicago (“Chicago”) reaffirming the importance of free speech in a university setting that Chicago and several other universities have adopted as a binding commitment to principles of free expression. Among other things, the Chicago statement provides: “Debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed.”

62. On December 23, 2015, Defendant Wells sent a letter to Mr. Abbott notifying him that the Office of Equal Opportunity Programs would not “move any further in regard to this matter,” and “found no cause for investigating this matter.” However, Defendant Wells failed to meet, or even acknowledge, the letter’s other requests.

63. As a consequence, the December 23, 2015 letter provided no clarification of the University’s policies on harassment and discrimination, declined to adhere to constitutionally-approved standards, and gave no assurances that the Plaintiffs would not face future enforcement if they engaged in speech protected by the First Amendment.

64. The December 23, 2015 letter also did not terminate the complainants’ ability under University policies to pursue remedies against the Plaintiffs for the Free Speech Event, and it did not commit to removing notation of the complaints in University records for Abbott or the two organizations.

### **C. Unconstitutional Free Speech Zone Policy**

65. USC enforces a Campus Solicitation policy, STAF 3.17, to restrict student expressive activities to limited areas of the campus. *See* Exhibit S.

66. STAF 3.17 defines solicitation activities broadly to include: (1) “Soliciting funds or sales or demonstrations that may result in sales”; (2) “Distributing advertising or other materials”; (3) “Compiling data for surveys, programs, or other purposes”; (4) “Recruitment of members or support for an organization or cause”; or (5) “Providing educational information sessions (exclusive from formal University of South Carolina academic classes).”

67. While STAF 3.17 provides that “University Organizations and Departments,” including registered student organizations, may “solicit in designated areas and under prescribed conditions,” the policy does not allow for individual student solicitation activities.

68. Solicitation activities are only permitted in the following areas: (1) specific areas of the Russell House University Union (including the front and back patios, Davis field, ballroom, meeting rooms, and main lobby); (2) Greene Street (between the gates only and at specified times); (3) Pickens Street Bridge (student organizations only); (4) designated areas of the Coliseum walkway (student organizations only); (5) designated areas of academic building lobbies upon the approval of the appropriate academic dean and the Associate Vice President for Student Life; and (6) other, unspecified, “designated locations upon the approval of the Associate Vice President for Student Life.” These designated areas constitute only a small fraction of the open space on campus.

69. STAF 3.17 further imposes limitations on students’ ability to distribute literature, by restricting the distribution of literature to areas designated for solicitation and requiring student to register and reserve their access to those areas with the Department of Student Life.

70. The posting of literature is similarly restricted to “appropriate reserved areas of bulletin boards in University buildings or on the Carolina Information Boards located at various outdoor points around the campus.”

71. STAF 3.17 limits students’ conduct during approved solicitation activities within designated areas, noting that such activities must be “confined to the designated display space only,” and that individuals engaging in solicitation are not to “harass” or “harangue” passersby.

72. STAF 3.17 prohibits students from engaging in solicitation activities, as broadly defined by the policy, in the residence halls.



73. STAF 3.17 also does not allow for spontaneous expressive activities or distribution of literature. Instead, STAF 3.17 states that university organizations may access designated solicitation areas only after completing a facility reservation and event registration form and paying a \$29.00 fee.

74. The university's Use of University Facilities policy, STAF 3.25, further imposes a two-week registration requirement for any outdoor event held on campus. All such events must be approved by the Director of Student Life upon submission of a detailed written request. *See Exhibit T.*

75. Together, these policies have a chilling effect on Plaintiffs' rights, and those of all other students to engage freely and openly in expressive activities, including solicitation of petition signatures, distribution of literature, and student group recruitment.

76. YAL has been instructed by University officials not to engage in expressive activities, such as handing out copies of the U.S. Constitution, in areas outside the USC free speech zone. YAL has been instructed instead to reserve time to engage in their expressive activities only within the areas on campus designated for "solicitation."

77. Defendants' policies and actions create a hostile atmosphere for free expression on campus, chilling the speech of other registered student organizations, as well as students, who are not before the Court.

## VI. CAUSES OF ACTION

### COUNT I

**As-Applied Violation of Plaintiffs' Rights to Free Speech Under  
the First and Fourteenth Amendments (42 U.S.C. § 1983)  
(Defendants Gist and Wells)**

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

79. The First and Fourteenth Amendments extend to campuses of state colleges and universities. *Healy v. James*, 408 U.S. at 180.

80. The First Amendment represents “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964). Our institutions of higher learning play a central role in a system of freedom of expression because “[t]he college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas.’” *Healy*, 408 U.S. at 180. In this regard, “[t]he first danger to liberty lies in granting the State the power” to limit freedom of expression in contravention of the “background and tradition of thought and experiment that is at the center of our intellectual and philosophic tradition.” *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 835 (1995).

81. To say that the Plaintiffs cannot even discuss free speech controversies without triggering complaints and an investigation under USC’s policies is an affront to both the mission of the University and to the purpose of the First Amendment. “[T]he mere dissemination of ideas – no matter how offensive to good taste – on a state university campus may not be shut off in the name alone of ‘conventions of decency.’” *Papish v. Board of Curators of Univ. of Mo.*, 410 U.S. 667, 670 (1973).

82. The Supreme Court has long recognized that “words are often chosen as much for their emotive as cognitive force,” and that “we cannot indulge the facile assumption that one can forbid particular words without also running a substantial risk of suppressing ideas in the process.” *Cohen v. California*, 403 U.S. 15, 26 (1971). The First Amendment forbids the government from censoring speech based on “personal predilections,” and “the State has no right to cleanse the public debate to the point where it is grammatically palatable to the most

squeamish among us.” *Id.* at 21, 25. “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause.” *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 204 (3d Cir. 2001).

83. By investigating Plaintiff Ross Abbott’s involvement in Plaintiffs’ Free Speech Event, Defendants have explicitly and implicitly chilled Plaintiffs’ free expression as well as that of all USC students. “Merely to summon a witness and compel him, against his will, to disclose the nature of his past expressions and associations is a measure of governmental interference in these matters.” *Sweezy v. State of N.H.*, 354 U.S. 234, 249 (1957). The Supreme Court has long recognized the “deterrent and ‘chilling’ effect on the free exercise of constitutionally enshrined rights of free speech, expression, and association” that is the “more immediate and substantial” result of governmental investigations into lawful expressive activities. *Gibson v. Florida Legis. Investigation Comm.*, 372 U.S. 539, 556-57 (1963).

84. To require Mr. Abbott or other students to submit to an official inquiry about their Free Speech Event based on claims that other students felt “offended” subjects the Plaintiffs to a “heckler’s veto.” However, the courts have long made clear that the First Amendment prevents speakers from being silenced or sanctioned simply because listeners may object to their speech. *Forsyth Cnty., Ga. v. Nationalist Movement*, 505 U.S. 123, 134 (1992); *Bible Believers v. Wayne Cty., Mich.*, 805 F.3d 228 (6th Cir. 2015) (*en banc*).

85. Defendant Wells acknowledged that the basis for conducting his investigation into Plaintiff Abbott’s involvement in the Free Speech Event was complaints regarding the content Plaintiffs’ speech pursuant to USC policies.

86. The Defendants’ decision not to further pursue sanctions against Mr. Abbott at this time does not preclude the complainants from seeking formal sanctions against him under

the University's policies. Nor does it preclude sanctions against the College Libertarians or YAL as a result of the Free Speech Event.

87. Defendants 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.

88. The denial of constitutional rights is irreparable injury *per se*, and Plaintiffs are entitled to declaratory and injunctive relief.

89. Additionally, Plaintiffs experienced emotional injury as a consequence of being denied their First Amendment rights.

## COUNT II

### **Facial Challenge to Violation of Right to Free Speech Under the Plaintiffs' First and Fourteenth Amendment Rights (42 U.S.C. § 1983) (Defendants Pastides, Pruitt, Gist and Wells)**

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

91. The First Amendment does not permit the government to subject speech to overly broad regulation. *Broadrick v. Oklahoma*, 413 U.S. 601, 615 (1973). Any regulation that does so is invalid “until and unless a limiting construction or partial invalidation so narrows it as to remove the seeming threat or deterrence to constitutionally protected expression [.]” *Virginia v. Hicks*, 539 U.S. 113, 118-19 (2003).

92. USC's Student Non-Discrimination and Non-Harassment Policy, STAF 6.24, is unconstitutional because it prohibits “unwelcome” and “inappropriate” speech, including “objectionable epithets, demeaning depictions,” “unwelcome and inappropriate letters, telephone calls, electronic mail, or other communication,” “repeated inappropriate personal

comments,” speech that employs “sexual innuendos and other sexually suggestive or provocative behavior,” and even “suggestive or insulting gestures or sounds.”

93. In addition, under the Carolinian Creed, members of the community are obliged not to engage in behavior that may “compromise or demean the dignity of individuals or groups,” including such things as taunting, teasing, baiting, ridiculing or insulting others. None of these terms are narrowly limited or defined.

94. By subjecting speech to possible review and punishment based on such expansive terms, USC policies stifle robust debate and disregard the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *Sullivan*, 376 U.S. at 270. Furthermore, the policy impermissibly imposes “special prohibitions on those speakers who express views on disfavored subjects,” namely those whose opinions are believed to “unwelcome” or “inappropriate” or containing “sexual innuendo and other sexually suggestive or provocative behavior.” *R.A.V. v. City of St. Paul*, 505 U.S. 377, 391 (1992).

95. The broad and undefined terms of STAF 6.24 and the Carolinian Creed vest University officials with unbridled discretion in their ability to review and restrict student speech.

96. The University of South Carolina’s policies governing expression are unconstitutionally overbroad, do not serve a significant governmental interest, are not narrowly drawn, and impermissibly restrict student and student expression. They burden far more speech than is necessary to serve the asserted interest of minimizing discrimination and harassment at the university.

97. Defendants' policies also are unconstitutionally vague in violation of the First Amendment and of the due process guarantee of the Fourteenth Amendment to the U.S. Constitution. A state enactment also 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). The terms of STAF 6.24 and the Carolinian Creed are generalized, subjective, and incapable of precise definition or application. The policy does not define the nebulous terms that can be used to restrict speech.

98. As a direct result of the Defendants' Student Non-Discrimination and Non-Harassment Policy and the Carolinian Creed, students and faculty at USC are deprived of their right to free speech under the First and Fourteenth Amendments to the Constitution.

99. As a consequence of the Defendants' violation of Plaintiffs' and other similarly situated students and faculty's First and Fourteenth Amendment rights, as alleged above, all of which is irreparable injury *per se*, Plaintiffs are entitled to declaratory and injunctive relief, damages, and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

### COUNT III

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

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

101. Through policy and practice, including enforcement of STAF 3.17 and STAF 3.25, Defendant has promulgated and enforced a *de facto* Free Speech Zone policy that prohibits free expression on all but a tiny fraction of the University of South Carolina campus,

despite the fact that the university has many open areas and sidewalks that are suitable for expressive activities.

102. Restricting all First Amendment activity to designated “solicitation areas” impermissibly restricts student expression, does not serve a significant government interest, and is unconstitutionally overbroad.

103. Students have a First Amendment right to engage in expressive activities and to distribute written materials in the public areas of a state college without obtaining advance permission from government officials. *Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981); *Papish v. Board of Curators of Univ. of Mo.*, 410 U.S. 667 (1973).

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

105. Advance notice and permitting requirements are presumptively invalid because of the significant burden they place on free speech. The Supreme Court has labeled prior restraint on speech as “the essence of censorship.” *Near v. Minnesota*, 283 U.S. 697, 713 (1931). Such restrictions are “the most serious and the least tolerable on First Amendment rights.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976).

106. Any such permitting requirement violates the First Amendment unless it contains narrow, objective, and definite standards to guide the licensing authority. *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150-51 (1969).

107. Restrictions on expressive activity are void for vagueness if their terms are not clearly defined such that a person of ordinary intelligence can readily identify the standards to be applied. *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

108. Regulations that grant an administrative body or government official unfettered discretion to regulate the licensing of activities protected by the First Amendment are unconstitutional. *Kunz v. New York*, 340 U.S. 290, 294 (1951). Such unrestricted discretion increases the likelihood that the government official may discriminate based upon the content of the “speech” or the viewpoint of the speaker. *City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S. 750, 763-64 (1988).

109. Regulations requiring a permit and fee before authorizing public speaking are prior restraints on speech that are presumptively unconstitutional. *Forsyth Cnty., Ga. v. Nationalist Movement*, 505 U.S. 123, 130 (1992).

110. Any regulation that imposes a fee upon the exercise of First Amendment rights must be content-neutral, strictly limited to recouping actual administrative costs, and bounded by narrowly drawn, reasonable and definite standards.

111. Through policy and practice Defendants have promulgated and enforced a Free Speech Zone policy that prohibits free expression on all but a fraction of the USC campus, despite the fact that the University has many open areas and sidewalks that are suitable for expressive activities.

112. Defendant Pastides is responsible for USC’s administration and policy-making and has ultimate authority to approve the *de facto* Free Speech Zone policy challenged herein.

113. Defendant Pruitt authorized the *de facto* Free Speech Zone policy challenged herein.

114. As a consequence of the Defendants’ violation of Plaintiffs’ and other similarly situated students’ First and Fourteenth Amendment rights, as alleged above, all of which is



irreparable injury *per se*, Plaintiffs are entitled to declaratory and injunctive relief, damages, and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

**COUNT IV**

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

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

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

117. Plaintiffs are seeking a judicial determination of their rights against Defendants as they pertain to Plaintiffs' right to speak without being subjected to unconstitutional speech policies that impose prior restraints on speech, give school officials unfettered discretion whether to allow expression and under what conditions, and that are vague, overbroad, and not narrowly tailored to serve a substantial governmental interest.

118. 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 the University of South Carolina's Student Non-Discrimination and Non-Harassment Policy and the Carolinian Creed are unconstitutional, both on their face, and as applied to the Plaintiffs.

119. 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 the University of South Carolina's Free Speech Zone Policy unconstitutional on its face.

120. Pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, this Court should issue a permanent injunction prohibiting the Defendants from enforcing their restrictions on USC faculty and students' expressive activities to the extent they are unconstitutional, to prevent the ongoing violation of constitutional rights. University of South Carolina faculty and students are suffering irreparable harm from continued enforcement of 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 Ross Abbott, the College Libertarians, and YAL respectfully request that the Court enter judgment against Defendants and provide Plaintiffs the following relief:

A. A declaratory judgment stating that Defendants' Student Non-Discrimination and Non-Harassment Policy, facially and as-applied to Plaintiffs, is unconstitutional facially and as-applied, and that they violated Plaintiffs' rights as guaranteed under the First and Fourteenth Amendments to the United States Constitution;

B. A permanent injunction restraining enforcement of Defendants' unconstitutional Student Non-Discrimination and Non-Harassment Policy and its underlying enforcement practices;

C. An injunction requiring the Defendants to remove any notation of the complaints against Plaintiffs' Free Speech Event from University records;

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

E. Monetary damages in an amount to be determined by the Court to compensate Plaintiffs for the impact of a deprivation of fundamental rights;

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

G. 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: February 23, 2016

Respectfully submitted,

s/Edward T. Fenno

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Attorneys for Plaintiffs Ross Abbott,  
the College Libertarians at the University  
of South Carolina, and the Young Americans for Liberty  
at the University of South Carolina

# **EXHIBIT A**

☆ **MU POLICE**

Today at 9:54 AM



To: MU POLICE

Reporting Hateful and/or Hurtful Speech



To continue to ensure that the University of Missouri campus remains safe, the MU Police Department (MUPD) is asking individuals who witness incidents of hateful and/or hurtful speech or actions to:

- Call the police immediately at 573-882-7201. (If you are in an emergency situation, dial 911.)
- Give the communications operator a summary of the incident, including location.
- Provide a detailed description of the individual(s) involved.
- Provide a license plate and vehicle descriptions (if appropriate).
- If possible and if it can be done safely, take a photo of the individual(s) with your cell phone.

Delays, including posting information to social media, can often reduce the chances of identifying the responsible parties. While cases of hateful and hurtful speech are not crimes, if the individual(s) identified are students, MU's Office of Student Conduct can take disciplinary action.

--

This e-mail has been generated in accordance with the MU Mass E-Mail Policy:

<http://doit.missouri.edu/e-mail/mass/>

## University of Missouri

On November 10, the University of Missouri Police Department issued a campus-wide email asking "individuals who witness incidents of hateful and/or hurtful speech" to take a series of actions in response. These actions include calling the police "immediately" and providing "detailed description[s]" and photographs of the actors in question. The statement further added, "While cases of hateful and hurtful speech are not crimes, if the individual(s) identified are students, MU's Office of Student Conduct can take disciplinary action." FIRE sent Mizzou a letter on November 11 reminding the university that the majority of speech considered subjectively "hateful" or "hurtful" is protected by the First Amendment. FIRE has asked Mizzou to clarify that it will not discipline students on these unconstitutionally broad and vague grounds.

# **EXHIBIT B**



## Modesto Junior College (MJC)

On September 17, 2013, three Modesto Junior College (MJC) students distributed copies of the U.S. Constitution in front of the student center, in observance of Constitution Day. Roughly 10 minutes after they began, the students were approached by a campus police officer who informed them that students were prohibited from distributing materials without prior permission. When MJC student Robert Van Tuinen protested that such a restriction violated his right to free speech, the officer ignored his claims and directed him to the Student Development Office. There, Van Tuinen was told by MJC clerical staffer Christine Serrano that the school's "time, place, and manner" policies required students to register events five days in advance and that all events must be held inside a small "free speech area." Because the area was in use that day, Van Tuinen was not only told he would have to register his event, but that he might have to wait days—or even weeks—to hold it. FIRE wrote to MJC President Jill Stearns on September 19, 2013, pointing out that MJC's actions were blatantly unconstitutional and calling on the school to immediately rescind its policies. When MJC did not do so, FIRE worked with Van Tuinen and the law firm of Davis Wright Tremaine to coordinate a lawsuit that was filed in federal court on October 10, 2013. The lawsuit was settled six months later after MJC revised its policies to allow free expression in the open areas of campus and paid Van Tuinen \$50,000 for legal expenses and to compensate him for the violation of his First Amendment rights.

# EXHIBIT C





## Chicago State University

Two professors [have sued Chicago State University](#) (CSU) as part of [FIRE's Stand Up for Speech Litigation Project](#) for attempting to censor their blog, CSU Faculty Voice, which is highly critical of CSU's administration. CSU's attempts to silence the two professors have been heavy-handed and contrived and include disciplinary charges for "cyber-bullying" based on a two-minute *face-to-face* conversation. That's not all, however: [Two students filed a lawsuit against CSU](#) alleging that the university shut down the independent student newspaper, invalidated their election to the student government, and ultimately expelled one of them, all as part of a campaign to stop them from drawing attention to corruption within the administration. CSU's former legal counsel received a [\\$3-million award](#) when he sued after CSU fired him for reporting misconduct by senior university officials. CSU president (and defendant) Wayne Watson recently announced that he will retire in 2016. Perhaps this signals that the period of rule by censorship and fear at CSU is coming to an end. In the meantime, however, CSU richly deserves its spot among the worst threats to campus free speech.

# **EXHIBIT D**



## Georgetown University

Georgetown University has been on FIRE's radar for years. Since 2010, the university has [refused to recognize](#) the student group H\*yas for Choice, contending that its mission conflicts with that of the university. [Written policy](#), however, states that "all members of the Georgetown University academic community ... enjoy the right to freedom of speech and expression," including the "right to express points of view on the widest range of public and private concerns." Matters only got worse in 2014. That January, H\*yas for Choice was [forced to relocate](#) from where it had been tabling outside a campus event to a location off campus. Even though Vice President for Student Affairs Todd Olson conceded at the time that this shouldn't have happened, [it took until May](#) for Georgetown to make revisions and clarifications to its speech policies, and even then students were only allowed to express themselves in certain designated areas of campus. Georgetown cemented its place on this list in September, when university police [instructed H\\*yas for Choice](#) that it could not table in precisely the location it was instructed to move to in January.

# **EXHIBIT E**



## George Washington University (GWU)

On March 16, the student placed a [small, bronze, Indian swastika](#) on a bulletin board at GWU's International House residence hall. He intended to educate his friends and co-residents about the symbol's origins, which he learned about during a spring break trip to India. The student had learned on his trip that although the swastika was appropriated by Nazi Germany, it has an [ancient history in many cultures](#) as a symbol of good luck and success.

After a fellow student reported the swastika to the GWU police department, the university quickly suspended the student and evicted him from university housing, pending the outcome of [five disciplinary charges](#). The university also referred the incident to the District of Columbia police for investigation as a potential "hate crime."

"GWU may not ignore thousands of years of history and effectively forbid all uses of the swastika because it was used by Nazi Germany," said FIRE Program Officer and attorney Ari Cohn. "It's ironic that the charges against the student illustrate the very point he was trying to make in the first place—that context is important and there's much to be learned about the history of the swastika."

"GWU must honor its explicit promises of freedom of expression," said Cohn. "These charges contradict those promises and do great harm to the robust, open debate from which a university derives intellectual vitality. The university must end its senseless disregard of context, drop all charges, and make good on its word."

# **EXHIBIT F**





## California State University, Fullerton

It's hard to imagine a more bewildering and petty example of censorship than that which California State University, Fullerton (CSUF) [demonstrated](#) last year in dispensing with the rights of the Alpha Delta Pi (ADPi) sorority. On the basis of a "Taco Tuesday"-themed recruitment event at which many ADPi members wore sombreros and other Mexican garb, CSUF [declared the sorority guilty](#) of, among other absurd offenses, "[w]illful, material, and substantial disruption" of university activities and "[d]isorderly, lewd, indecent, or obscene conduct." Adding further insult to its utterly meritless case, CSUF also coerced the sorority into complying with numerous sanctions, including that it "coordinate a mandatory workshop on cultural competencies and diversity." What CSU Fullerton really could have used, however, is a mandatory workshop on the [fundamentals of the First Amendment](#) for its administrators.

# EXHIBIT G



## Operation Wetback (1954)



- Increasing numbers of illegal aliens in the 1950's
- US orders deportation of 1.4 million Mexicans
- Most voluntarily went back to Mexico
- Others put on boats or trucks and taken to Mexican Southern border
- Ike's Popularity



## Brandeis University

Brandeis University declared a professor guilty of racial harassment and placed a monitor in his classes after he criticized the use of the word "wetbacks" in his Latin American Politics course. Professor Donald Hindley, a nearly 50-year veteran of teaching, was neither granted a formal hearing by Brandeis nor provided with the substance of the accusations against him in writing before a verdict was reached. Determined not to be branded as a racial harasser simply for using a word in the process of explaining it, Hindley appealed the decision. Provost Marty Krauss pointedly ignored various responsibilities to consult with the Faculty Senate and Krauss' assertion of arbitrary administrative power angered the Faculty Senate, which has refused to peacefully surrender its bargained-for rights and led to a total meltdown of faculty-administration relations. Hindley has also alleged that he was targeted for his political views including his pro-Palestinian advocacy. The unwillingness of the administration to reach a resolution in this case has led FIRE to place Brandeis University on its Red Alert list as one of the worst of the worst abusers of liberty on campus.

# **EXHIBIT H**



**Steven Salaita**  
@stevesalaita



Follow

Wherever it flies, the Israeli flag is a mark of shame, a taunting symbol of aggression and oppression.

#Gaza  
#FreePalestine

Reply Retweet Favorite More

RETWEETS  
**126**

FAVORITES  
**49**

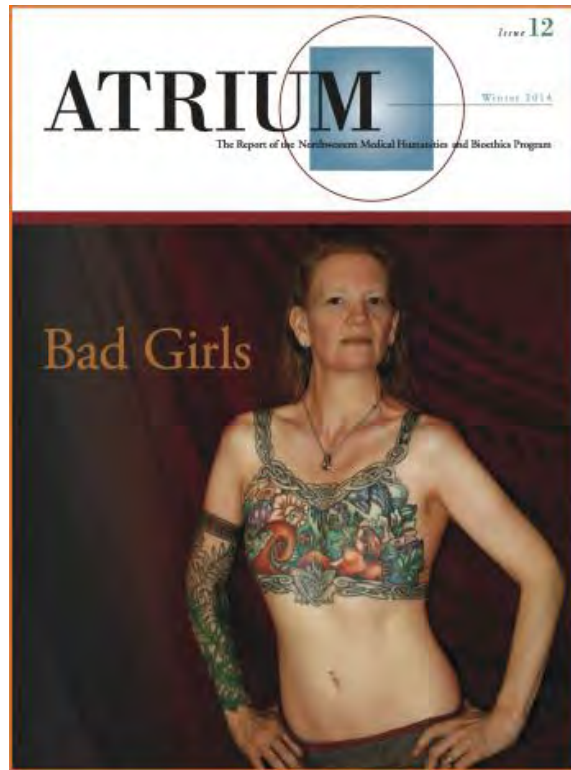


12:19 PM - 19 Jul 2014

## University of Illinois at Urbana-Champaign

Late last summer, the University of Illinois at Urbana-Champaign (UIUC) sparked an intense, nationwide debate over civility and professors' right to free speech when it [rescinded its job offer to Steven Salaita](#), who had left a tenured faculty position at Virginia Tech to join UIUC's American Indian Studies program. The university revoked Salaita's offer over controversial anti-Israel statements made from his personal Twitter account. After the decision was made public, UIUC Chancellor Phyllis Wise [emailed the UIUC community](#) and explained that Salaita was not hired because [UIUC would not tolerate](#) "personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them." [FIRE and other free speech advocates](#) denounced UIUC's treatment of Salaita, but the [UIUC Board of Trustees refused](#) to reconsider its decision. Salaita has since [filed a federal lawsuit](#) against the school's Board of Trustees.

# **EXHIBIT I**



## Northwestern University

Digital issues of a magazine published annually by one of Northwestern's medical school programs were taken down after running an essay called "Head Nurses," that described a nurse performing oral sex on a patient in 1978.

*Atrium* is a publication of the Feinberg School of Medicine's (FSM's) Medical Humanities and Bioethics Program (MHB), and features content from authors at institutions around the country. The theme of the Winter 2014 issue was "Bad Girls," and included an essay by Syracuse University professor William Peace about his rehabilitation experience after being paralyzed at age 18, and his fear that he would be unable to have sex ever again.

The article describes how in his rehabilitation ward, a few nurses were referred to as "head nurses" because they were known to occasionally provide oral sex to certain patients late at night. Peace described his own experience of being provided oral sex by a nurse with whom he had a good relationship, a consensual act that for him brought relief at the realization that he had not lost his ability to function sexually. Peace credited the nurse, with whom he developed a lifelong friendship, with playing a significant role in his psychological recovery.

# **EXHIBIT J**

### **Background and Context**

On November 9, 2014, you chose to post on the Internet a story prompted by a secretly-taped conversation between a student and a graduate student instructor. While you left the undergraduate student's name out of your post, and later insisted that his anonymity be protected, you posted without permission the graduate student instructor's name, Ms. Cheryl Abbate.

In addition, you gave an account of what happened in a class you did not attend and was not taped, describing Ms. Abbate as "airily" making a statement about "gay rights." You further purported to describe how the student's concerns were ignored by University officials in the College of Arts & Sciences and the Department of Philosophy.

You posted this story on the Internet (1) without speaking with Ms. Abbate or getting her permission to use her name; (2) without contacting the Chair of Ms. Abbate's Department (who had met twice with the undergraduate student) to get her perspective or express your concerns; (3) without contacting anyone in the College of Arts & Sciences to get their perspective or express your concerns; (4) without contacting anyone in the Office of the Provost to raise concerns that you believed had been ignored at the Department or College level; (5) without describing what had happened in the very next class following the one you wrote about--when Ms. Abbate discussed and addressed the student's objection (without identifying him); and (6) without even reporting fully or accurately what the student had disclosed to (and concealed from) others in the University about these events.

## **Marquette University**

Marquette University's chilling campaign to [revoke the tenure](#) of political science professor John McAdams due to writings on his private blog ensures its place on this year's list. McAdams criticized a graduate instructor for what he viewed as her inappropriate suppression of certain viewpoints for in-class discussion (one student's opposition to same-sex marriage in particular), and the instructor came in for heavy criticism. Marquette then suspended McAdams [without due process](#) and abruptly cancelled his classes for the next semester. It also publicly insinuated that McAdams violated its harassment policy and was a [safety threat](#) to the campus, despite a complete lack of proof for either charge. Marquette's [disregard of due process](#) and its [incredible denial](#) that its campaign against McAdams's tenure implicates free speech or academic freedom in any way should frighten anyone concerned about faculty rights. Indeed, if the university succeeds in removing McAdams, free speech and academic freedom will lose whatever meaning they had at Marquette.

# **EXHIBIT K**



# Reasons why USC will blow it

- 1
- 2
- 3
- 4
- 5

## TOY DETENTION

# Wetback

Wetback is a derogatory term used in American English when discussing illegal immigrants who have crossed the border into the United States by swimming or walking across the border. The term was first used by the Immigration Service in 1954.

# **EXHIBIT L**

College of Libertarians

Young Americans for  
Liberty

Present. Free Speech on Campus

A dialogue of the 1<sup>st</sup>  
amendment

# EXHIBIT M

# We Support Free Speech at Carolina

We, the undersigned members of the Carolina community, pledge to *all* Carolinians, present and future, that we support and will defend *your* freedom of thought, conscience, inquiry, speech, expression, and communication. It is our moral obligation to defend the basic rights of all to free speech and expression, whether we support those views or not.

We therefore oppose all attempts by Carolina faculty and administrators to silence, suppress, or “prosecute criminally” thought and speech deemed vulgar, controversial, unpopular, insensitive, offensive, inappropriate, subversive, or blasphemous. We regard any effort by the University to censor and punish thought and speech as especially disgraceful.

All students everywhere have a right to think, learn, and speak in an environment free of faculty or administrative threats, intimidation, harassment, coercion, and indoctrination.

Know this: Carolinians are legally entitled to the full protection of the First Amendment. Any denial of this right is illegal, unconstitutional, and a betrayal of Carolina’s commitment to providing its students with a marketplace of ideas.

In the name of genuine tolerance and diversity, let there be no thought crimes or thought police at the University of South Carolina. Our campus must be a refuge for free thought and speech, which includes ideas that we do not like or that make us feel uncomfortable. That’s what a true university is and does.

Let all Carolinians unite to fight error and prejudice with rational arguments, critical investigation, and unfettered debate, which requires upholding the principle of free speech uncompromisingly.

We therefore pledge that we shall work tirelessly to fight censorship and to keep alive the spirit of open-minded inquiry at the University of South Carolina.

# **EXHIBIT N**



UNIVERSITY OF  
SOUTH CAROLINA

Equal Opportunity Programs

November 24, 2015

Ross Abbott  
Sent electronically to abbotr2@email.sc.edu

RE: Formal Complaint of [REDACTED]

Complaint Number: 20150091

Dear Mr. Abbott,

Enclosed is a copy of the Notice of Charge of in this matter, in addition to a copy of the official Complaint of Discrimination filed by the above-cited Complainant, [REDACTED]

Please contact this office within the next five (5) working days, by December 1, 2015, to arrange an appointment to fully discuss the charges as alleged. With respect to a complaint that is filed with this office we shall as a matter of policy attempt to resolve the complaint through mutually agreeable mediation. Should we be unable to mediate a complaint we shall move to investigate the complaint and we shall upon the completion of our investigation, issue to all parties a copy of our findings and recommendations which we shall make to the Provost and President of the University.

Please be advised that you are not to contact [REDACTED] regarding this matter while it is under investigation. Please also refrain from discussing this complaint with any member of the faculty, staff or student body.

Should you need any additional information at this time please contact me at 803-777-9560.

Sincerely,

A handwritten signature in blue ink that reads "Carl R. Wells".

Carl R. Wells  
Asst. Dir. EOP

CC: Henry White, University Lawyer



# UNIVERSITY OF SOUTH CAROLINA

Bias Report  
Submitted on November 23, 2015 at 10:18:26 pm EST  
Last modified November 24, 2015 at 12:21:42 pm EST

Type: **Student Witness**  
Urgency:

Incident Date: **2015-11-23**  
Incident Time: **2:00 pm**  
Incident Location: **Russell House Greene St. in front of Russell House**

Reported by

Name: [Redacted]  
Title: [Redacted]  
Email: [Redacted]  
Phone: [Redacted]  
Address: [Redacted]

Involved Parties

**Ross Abbott** [Redacted] [Redacted] abbotr2@email.sc.edu  
Off Campus  
[Redacted] [Redacted] [Redacted] [Redacted]  
Off Campus

Questions

\* Reasons for the Report  
Check all that apply:  
Hostile Environment, Racial Discrimination

\* Description/Narrative  
Please provide the facts of the incident in as much detail as possible. Describe what happened in chronological order using specific, concise, objective language (who, what, where, when, why and how).  
The College Libertarians hung several offensive signs at their event on Greene St today. One poster depicted a swastika, another had the word "Wetback" on it and described what the slur meant. Another sign was a dry erase board which asked "reasons USC wifi blows," referencing the incident last year where a girl wrote a racist message on a dry erase board. The other signs mocked the concept of a "safe space" by saying that these spaces, which serve to give minority students space, deprived them of their free speech. These students seem to want to use university resources and space to post offensive symbols and racial slurs.

\* Optional Questions  
How did the bias incident affect you?  
This is especially annoying to student organizers who go out of our way at our events to make sure that we limit cursing and sexual innuendo in order to make our events more palatable to members of administration. As an LGBTQ student on campus, the swastika is a reminder of the murders of 11 million people, many of which were LGBTQ. I had a Jewish student approach me after arguing with the people putting on the event and she was clearly very upset from their refusal to listen to what she said. I don't believe that USC wants to cultivate an environment where swastikas and racist slurs are welcomed on Greene St. I'd also like to note that several tour groups passed by while this was happening.

\* Other than completing this form, is there any other action that you took?  
Gathered attention to the issue via social media.

\* What do you think is the appropriate action for the Office of Diversity and Inclusion or the Office of Equal Opportunity Programs to take? (Please note that the action that the office takes is not solely up to the complainant. There may be instances when we are required to take the issue further than the complainant might prefer.)



At the very least, there needs to be a conversation with the leadership of the College Libertarians to address this incident and make sure it won't happen again. I believe that the students violated their representation of USC and should lose access to University funding for future events.

\* Have you reported the incident to another University of South Carolina office?

No

\* Type of incident (check all that apply)

Written Slur / Graffiti, Hate Symbol

\* Specify (Other type of incident)

Swastika and "wetback" were written.

\* Harm the Complainant experienced as a result of the incident?

Many students were visibly upset. Some are still messaging that they cannot calm down and that they can't believe that this is happening at our university. Many students are shocked.

\* Type relief and corrective actions the Complainant is seeking?

I'm fine. I would just like to see that student organizations are not welcomed to hold racist symbols and slurs in front of the university.

#### Attachments

fullpicture.jpg  
safespace.jpg  
swastika.jpg

*Pending IR #00000372*

*Submitted from 71.68.146.231 and routed to Carl R. Wells (Asst. Dir. EOP)*

*Modified by Carl R. Wells on November 24, 2015 at 12:21:42 pm EST from 129.252.66.91*





Handwritten text on a sign, partially illegible.

Handwritten text on a sign, partially illegible.

Handwritten text on a sign, featuring a red swastika symbol.

Handwritten text on a sign, partially illegible.

STOP...  
Handwritten text on a sign, partially illegible.

Wetback  
Handwritten text on a sign, partially illegible.

SAFE SPACE  
Handwritten text on a sign.





Reasons why USC wife blows a

- 
- 
- 
- 
- 

Make your own list in  
a spread of this content  
under 1 min a day  
off - 100%  
no charge

SAFE  
SPACE

WARNING: L&A W/ BOTTLE RETURN PROHIBITED  
BEHIND A-1000



MEET YOUR  
MATCH







Bias Report  
Submitted on November 23, 2015 at 10:20:16 pm EST

Type: **Student**  
Urgency: **Witness**

Incident Date: **2015-11-23**  
Incident Time: **2:30 pm**  
Incident Location: **Russell House Greene Street center left location**

Reported by

Name:  
Title:  
Email:  
Phone:  
Address:

Involved Parties

Questions

Reasons for the Report

Check all that apply:

**Color Discrimination, Gender Discrimination, Hostile Environment, Racial Discrimination, Religious Discrimination**

Description/Narrative

Please provide the facts of the incident in as much detail as possible. Describe what happened in chronological order using specific, concise, objective language (who, what, where, when, why and how).

**The college libertarians/young Americans for Liberty on campus staged a tabling event that I witnessed at 1:13pm, where they had multiple offensive signs up on Greene street, one with the definition of a "wetback", one with a swastika, another with offensive information about Israel/Palestine, and one that even had a white board available for USC students to write their own opinions on why "USC wifi sucks", referencing the spring white board incident. This was extremely inappropriate, and very triggering to students on campus. It showed tours of campus how bigoted our student body can be. After witnessing it at 1:13pm, I notified Russell house, who said they would move the tabling event to the free speech zone outside of the Greene street gates. However, at 3:14pm when I left campus, they were still in front of Russell house, with swastikas, and engaging rudely with USC students, saying sexist and racist statements.**

Optional Questions

How did the bias incident affect you?

Other than completing this form, is there any other action that you took?

**Notifying Russell House and the director of OMSA.**

What do you think is the appropriate action for the Office of Diversity and Inclusion or the Office of Equal Opportunity Programs to take? (Please note that the action that the office takes is not solely up to the complainant. There may be instances when we are required to take the issue further than the complainant might prefer.)

**Advise student organizations to abide by the free speech zones when they desire to engage in hate speech, do not allow symbols that could incite a riot to be present on Greene street, and do not subject other students & prospective students to seeing inflammatory posters and offensive imagery when they are simply trying to enjoy Greene street.**

Have you reported the incident to another University of South Carolina office?

**No**

Type of incident (check all that apply)

**Verbal Harassment, Written Slur / Graffiti, Hate Symbol**

Specify (Other type of incident)

**Posters, verbal comments**

Harm the Complainant experienced as a result of the incident?

**Triggering**

Type relief and corrective actions the Complainant is seeking?

**Don't allow this to happen again.**

Attachments

image.jpeg

*Pending IR #00000373*

*Submitted from 162.200.233.22 and routed to Carl R. Wells (Asst. Dir. EOP)*





...ge of Libertarians  
Young Americans for  
Liberty  
... Free Speech ...  
... of the 1<sup>st</sup>  
...

I Disapprove  
of what you say,  
but I will defend  
the death right to  
life



...  
...  
...

STOP US-ISRAELI TERROR  
Justice for PALESTINE  






Bias Report  
Submitted on November 24, 2015 at 12:22:50 am EST

Type: **Other**  
Urgency: **Third-party (received report)**

Incident Date: **2015-11-23**  
Incident Time:  
Incident Location: **Other**

Reported by

Name:  
Title:  
Email:  
Phone:  
Address:

Involved Parties

Questions

Reasons for the Report

Check all that apply:

**Hostile Environment, Religious Discrimination**

Description/Narrative

Please provide the facts of the incident in as much detail as possible. Describe what happened in chronological order using specific, concise, objective language (who, what, where, when, why and how).

**A flag with a Nazi symbol was displayed on campus, and the offenders refused to remove it, citing "free speech" as their reason.**

Optional Questions

How did the bias incident affect you?

**It's disgusting to think that such a well-known hate symbol is flown on a campus with Jewish students.**

Other than completing this form, is there any other action that you took?

**No.**

What do you think is the appropriate action for the Office of Diversity and Inclusion or the Office of Equal Opportunity Programs to take? (Please note that the action that the office takes is not solely up to the complainant. There may be instances when we are required to take the issue further than the complainant might prefer.)

**Issue an apology for letting the symbol appear and punish the offenders accordingly.**

Have you reported the incident to another University of South Carolina office?

**No**

Type of incident (check all that apply)

**Hate Symbol**

Specify (Other type of incident)

**Nazi symbol displayed on campus without being removed.**

Harm the Complainant experienced as a result of the incident?

**A Jewish friend was violently triggered by seeing the symbol, and now feels unsafe on campus.**

Type relief and corrective actions the Complainant is seeking?

**For this to be acknowledged as a hate crime against USC's Jewish population, for an apology to be issued, and for this incident to be avoided in future.**



*Pending IR #00000374*

*Submitted from 108.23.208.174 and routed to Carl R. Wells (Asst. Dir. EOP)*

# EXHIBIT O

NUMBER: EOP 1.01  
SECTION: Equal Opportunity Programs  
SUBJECT: Equal Opportunity Complaint Processing Procedures  
DATE: January 1, 1995  
REVISED: October 6, 2014  
Policy for: All Campuses  
Procedure for: All Campuses  
Authorized by: Bobby D. Gist  
Issued by: Equal Opportunity Programs

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## I. Policy

The Office of Equal Opportunity Programs was established by the President of the University to provide equal opportunity and affirmative action in education and employment for all persons regardless of race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status. The President appoints the Executive Assistant to the President for Equal Opportunity Programs to implement these functions. The Executive Assistant to the President is responsible for the overall operation of the office, and this individual is responsible for planning, developing, administering and evaluating the University's equal opportunity/affirmative action policies and practices to insure compliance with applicable federal and state statutes relating to non-discrimination in employment and education.

## II. Procedure

### A. Pre-Complaint Review (Who May File)

1. An individual (i.e., person, student, faculty, staff member or applicant) may file a complaint or seek information about illegal discrimination at the University of South Carolina based on race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status through the Office of Equal Opportunity Programs (hereinafter referred to as EOP office). Inquiries may be made by telephone, in person, in writing or by e-mail.
2. The purpose of pre-complaint review is to provide an individual an opportunity to discuss confidentially the specifics of his/her complaint and to receive guidance and information on the administrative procedures followed by the Office of Equal Opportunity Programs should a complaint be filed.

3. It is not necessary for an individual to reveal his or her identity in seeking information about filing a possible discrimination complaint.
4. As a general rule, no formal administrative action will be taken on anonymous complaints of discrimination. However, the designated EOP official receiving the anonymous complaint may, depending on the seriousness of the incident described, bring the anonymous charge to the attention of the Legal Department, the department head and possibly the alleged offender.
5. An individual, faculty, staff member or student who is made aware of an incident of illegal discrimination should refer the person(s) to the Office of Equal Opportunity Programs for assistance immediately.
6. After receiving information or pre-complaint counseling from the EOP office, an individual may:
  - a. choose not to pursue a complaint; or
  - b. decide to take action directly with the alleged offender/respondent by verbally or in writing requesting the individual to cease the discriminatory behavior; or
  - c. report the matter to the alleged offender's/respondent's supervisor or department head asking that steps be taken to ensure that the offending behavior ceases; or
  - d. ask a designated university official or EOP officer to pursue informal resolution of the matter; or
  - e. proceed with a formal complaint of discrimination through the Office of Equal Opportunity Programs.
7. If the identity of a complainant is known and if the Office of Equal Opportunity Programs has not been involved in the resolution of a problem, the EOP office should make follow-up contact within a reasonable period of time to ascertain whether the matter has been resolved and proceed to close its file if all parties agree to the resolution.

**B. Informal Resolution Process**

1. Informal complaint resolution focuses on conciliation, not sanctions; however, disciplinary action including an oral or written warning may be issued if warranted. The aim of informal resolution is to ensure that the discriminatory

behavior ceases and that the matter is resolved promptly at the lowest possible level to effect conciliation. The alleged offender may be asked, politely but firmly, to cease the offensive behavior. He or she may be told of the identity of the complainant at this stage. Investigation is optional, since the emphasis is not on establishing guilt or innocence, but on stopping the alleged discrimination.

Informal complaint resolution may be achieved by any of the following steps:

- a. action taken by the complainant to address the matter directly with the alleged offender; or
  - b. action to negotiate a resolution taken by the alleged offender's supervisor or department head, after consultation with the Office of Equal Opportunity Programs upon the request of the complainant; or
  - c. mediation undertaken by the Office of Equal Opportunity Programs.
2. If mediated, the Office of Equal Opportunity Programs, the supervisor or department head, as applicable, is required to prepare a memorandum for the record indicating the complaint, the action taken and the resolution achieved. This memorandum will be filed in the Office of Equal Opportunity Programs permanent files.
  3. The Office of Equal Opportunity Programs shall decide whether a complaint warrants an attempt at informal resolution. In some cases, a formal investigation may be appropriate and must be pursued to protect all parties to the complaint.

### C. Formal Procedure

#### 1. Filing a Formal Complaint of Discrimination

To initiate a formal complaint an individual (person, student, faculty, staff member, or applicant) is required to submit a written statement to the Office of Equal Opportunity Programs. The complaint is then submitted to the EOP official designated to receive the complaint. The EOP office shall be the principal investigator of all illegal complaints of alleged discrimination.

In order to file a complaint, the complainant must be able to:

- a. state a cause of action based upon one's membership in a protected class: race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status and the complaint must be;
- b. timely, the date of the alleged violation(s) must have occurred within the

past 180 days, and the complainant must be able to identify, with specificity, the dates of the alleged offense(s), and the complaint must be;

- c. reduced to writing and signed before a notary public or EOP official, and;
- d. must indicate some harm that the complainant has suffered, is suffering, or will suffer as a result of their protected class membership status, and;
- e. specify the relief the complainant is seeking as a result of the complaint.

2. Acknowledging Receipt of Formal Complaint of Discrimination

After receipt of a discrimination complaint form, the EOP designated investigator shall meet with the complainant as soon as possible, generally no later than five work days after receiving the complaint. The purpose of this meeting is to review the complaint and clarify issues which may be unclear to the complainant or to the EOP Investigator. The complainant will be asked to identify witnesses to the incident(s) or other possible victims of discrimination by the same alleged offender, steps taken to resolve the matter, and the outcome being sought through this process. The complainant will be advised that notice of the charge of discrimination and a copy of the complaint will be provided to the alleged offender.

3. Notice of Charge/Service of Complaint of Discrimination

The Notice of Charge will contain the name of the complainant, the specific allegations made (date, places and nature of the discrimination) and a copy of the complaint. The Notice of Charge is processed as follows:

- a. The Notice of Charge along with a copy of the complaint will be provided to the alleged offender or his/her representative by the EOP Investigator, or other designated university official, in a timely manner, normally within one week of receipt of the formal complaint. The Notice of Charge and copy of complaint will be served either personally or by certified mail.
- b. The alleged offender shall answer the charge(s) in writing within ten (10) University work days of receiving the Notice of Charge. The time limit to provide a written response may be extended with the approval of the designated official handling the complaint. If the alleged offender fails to respond, notice of such failure to respond will be provided to the dean/department head of the alleged offender and the investigation will proceed. The alleged offender may be compelled by the University to respond to a charge of discrimination, to the extent permitted by or consistent with federal and state law.

- c. A copy or summation of the response to the Notice of Charge will be provided to the complainant by the designated EOP official.

4. Negotiated Resolution of Complaint of Discrimination

After reviewing the response to the charge, the EOP designated official may attempt a negotiated resolution of the complaint which is agreeable to both parties. The proceedings may be terminated by the designated official upon receipt of a written resolution of the complaint acceptable to both parties. In those instances, a formal negotiated settlement agreement will be developed and signed by all parties.

5. Investigating Formal Complaints of Discrimination

The process of formal investigation includes the following:

- a. An investigator of record will be assigned by the Executive Assistant to the President for Equal Opportunity Programs or the Executive Assistant may elect to process the matter.
- b. The investigator will interview separately the complainant, alleged offender, and witnesses identified by each party.
- c. The investigator may meet with the complainant and alleged offender together if, in his/her judgment, such a meeting could foster a resolution to the problem and the complainant and alleged offender agree to such a meeting.
- d. Normally the investigation should be completed within 15 University work days of receipt of the formal complaint; however, if warranted by the circumstances of the complaint, this time may be increased at the discretion of the investigator.
- e. Based upon the information obtained during the investigation, the investigator or the Executive Assistant to the President shall issue a report of the findings and make appropriate recommendations to the Executive Assistant to the President for Equal Opportunity Programs. The investigator, as appropriate, may consult the Vice President for Human Resources, the Vice President for Student Affairs, the Executive Vice President for Academic Affairs and Provost and the Legal Department regarding the appropriate recommendation of disciplinary action to be taken.

The report of findings and recommendations shall include a statement of the complaint, a chronology of the investigation (who was interviewed and by whom), the information discovered, a list of documents pertinent to the investigation, the conclusions reached, the investigators' recommendations, the investigator's name and date of the report.

If disciplinary action is recommended, the report shall be presented, as appropriate, to the President, Executive Vice President for Academic Affairs and Provost, Vice President for Human Resources, Vice President for Student Affairs, Chancellor, Dean, Department Chair or Director by the Executive Assistant to the President for Equal Opportunity Programs. The EOP designated official will then notify the complainant and the alleged offender, in writing, of the findings of the investigation within five University work days after the conclusion of the formal investigation. This notice will not include the recommendations. The investigative record shall be maintained by the Office of Equal Opportunity Programs.

6. Findings

There are two categories of findings: (1) no reasonable cause to believe discrimination occurred, or (2) reasonable cause to believe a violation has occurred.

- a. If no reasonable cause is found, the charge is dismissed. The complainant is advised that if he or she is dissatisfied with the decision, a Presidential Review may be requested, or a complaint may be filed with Federal or State agencies which enforce compliance with laws prohibiting illegal discrimination. [Request for a Presidential Review must be submitted in writing to the President within five University work days of receipt of the notice of findings. A Presidential Review does not guarantee an audience with the President, only review of the record.]
- b. If a reasonable cause violation is found, appropriate disciplinary action shall be taken, where appropriate, by the President, Executive Vice President for Academic Affairs and Provost, Vice President for Human Resources, Vice President for Student Affairs, Chancellor, Dean, Department Chair or Director, who must notify the charged party, in writing, of the action to be taken, the reasons for the action and avenues of appeal. The nature of the discipline to be imposed on the offender/charged party shall not be communicated to the complainant, but the complainant may be informed whether the offender will be disciplined. The charged party may appeal the findings by requesting a Presidential Review. If the disciplinary action taken is grievable, it may be grieved through appropriate channels; however, a copy of the reasonable cause



violation will be made a part of the University's defense.

7. Sanctions/Disciplinary Action

Persons found to be in violation of the University's anti-discrimination policy will be subjected to disciplinary action which may include, but not limited to, oral or written warnings, suspension, transfer, demotion or dismissal and request for revocation of tenure procedures in cases involving tenured members of the faculty.

8. If the complainant can demonstrate that he/she has suffered a loss as a consequence of illegal discrimination, a remedy may be recommended. The objective is to restore the complainant to his/her status before suffering the consequences of the discrimination. A remedy may consist of a reassignment, transfer, letter of apology, or other appropriate action. A remedy is not subject to appeal through the Presidential Review process.

D. Presidential Review/Appeal

A request for a Presidential Review shall be made in writing to the President by either party to the complaint within five University work days after receiving notification of the findings at the conclusion of the formal investigation.

1. Composition of Review Panel

- a. Within five University work days after receipt of a request for a Presidential Review/Appeal, the President or the President's designee will appoint an impartial Review Panel of three individuals who will conduct a closed review of the record and provide recommendations to the President.
- b. No Review Panel member will be appointed from the college or department of either the complainant or the alleged offender.
- c. The Chairperson of the Review Panel will be appointed by the President or the President's designee.

2. Consideration of the Complaint by the Review Panel

- a. The President's Review Panel shall conduct a review of the record as soon as possible, normally within seven University work days of the appointment of the Panel. The EOP office will be required to present the rationale for its recommendations /findings.
- b. Both parties may be present during the presentation of the case to the

Review Panel by the EOP office. Questioning of witnesses is at the discretion of the Review Panel and shall be conducted solely by members of the Panel.

- c. Each party shall have the right to provide additional evidence in writing relevant to the complaint.
- d. Each party to a complaint may be accompanied to the review by an advisor or legal counsel. The parties shall notify the chairperson of the Review Panel at least five (5) University work days in advance of the Presidential Review hearing if he or she will be assisted by an advisor or counsel.
- e. The Chairperson of the Review Panel shall be authorized to request additional files, records, and documents relevant to the complaint, including the report of the findings and recommendations of the EOP investigator.
- f. The Review Panel shall report its findings and recommendations to the President in a timely manner, normally within five University work days of the conclusion of its review.
- g. The President or the President's designee shall issue a decision on the matter including appropriate sanctions, and will notify the parties of his or her decision as soon as possible after the receipt of the Review Panel's findings.
- h. There is no further internal appeal under these procedures available to the complainant. The charged party may appeal disciplinary action through the student grievance procedure, the employee grievance procedure or faculty grievance procedure, as applicable, provided the disciplinary action is subject to appeal through one of these processes. Complainants may also have the right to file a complaint with the S.C. Human Affairs Commission, the U.S. Office of Civil Rights, the U.S. Department of Education, the U.S. Office of Federal Contract Compliance, or the U.S. Equal Employment Opportunity Commission, as appropriate.
- i. Every effort shall be made to conclude the Presidential Review process within thirty University work days after appointment of the Presidential Review Panel.

E. Related Procedures

- 1. Suspension or Withdrawal of Complaints of Discrimination

- a. The University may suspend its investigative proceedings at any stage if the designated EOP official receives a written resolution of the complaint agreed to by both parties.
- b. A complaint, or any part thereof, may be withdrawn at any time upon receipt of a written request from the complainant that the complaint be withdrawn. The charged party will be notified of the withdrawal of the complaint. Such withdrawal shall be without prejudice to the rights of the complainant to refile the complaint at a later date, so long as the matter is timely (within 180 days of the date of the alleged violation).
- c. If the complainant files an external complaint with a State or Federal enforcement agency or an action in State or Federal Court during the EOP office review/investigation, the EOP office shall immediately cease to process the complaint internally and defer to the State or Federal Agency/Court all rights to process the complaint.

## 2. Dismissal of Complaints of Discrimination

- a. A complaint may be dismissed if the designated official investigating the complaint determines that the complaint is without merit, or the accusations/charges are false.
- b. A complaint may be dismissed if the designated official in the EOP office determines that the complainant has not cooperated and the action or actions of the complainant impairs or compromises the EOP office's ability to conduct an objective investigation. In such instances, where applicable, the EOP office will cease its' investigation, remove itself and refer the complainant to the appropriate federal/state administrative agencies that are empowered to conduct investigations/resolution of illegal/prohibited discrimination.
- c. Willful false accusations by complainants or abuse of the EOP process may result in actions and sanctions, to include reprimand, suspension, demotion, or dismissal.

## 3. Appealing a Sanction

As a result of an investigation in which reasonable cause is found to believe a discriminatory violation has occurred, disciplinary action may be taken against the charged party. If the disciplinary action is a demotion, dismissal, or suspension, it may be grievable by staff employees under the University Grievance Procedure administered by the Division of Human Resources. Faculty

should consult the Faculty Manual for appropriate grievance procedures. Students may appeal disciplinary actions to the Judicial Appeal Board. Information on the Judicial Appeal Board is contained in The Carolina Community: Student Policy Manual.

F. Record Keeping

1. While a complaint is being investigated all documentary evidence regarding the complaint must be maintained in the confidential files of the officials handling the complaint.
2. After final resolution of the complaint within the university system, all records regarding the complaint must be transferred to the confidential files of the EOP office.
3. Access to these confidential records shall be on a need to know basis only. Persons who may have access include: the President of the University, Executive Vice President for Academic Affairs and Provost, Chancellor or Dean of the campus, the Legal Department, the members of the President's Review Panel, the Vice President for Human Resources and/or Campus Personnel Director, Campus Affirmative Action Coordinator, the Vice President for Student Affairs or equivalent campus student affairs official, and any other designated official appointed by the President.

G. Confidentiality

1. Every effort shall be made, to the extent possible, to protect the privacy of the persons involved in the complaint.
2. The following steps should be taken to help assure confidentiality:
  - a. The number of persons with knowledge of the complaint shall be kept to a minimum. Only persons with a need to know shall be notified of the complaint.
  - b. The EOP office shall exercise discretion in the setting of dates and locations of interviews, and the placing of, and responding to, telephone calls related to the complaint.
  - c. The EOP office will interview, in person, individuals named as witnesses by parties to the complaint. Solicitation of comments from others, unless there is reason to believe they have relevant, first-hand knowledge about the complaint, will be avoided.

- d. Correspondence concerning the complaint shall be issued in sealed envelopes and marked "Confidential to the Personal Attention of the Addressee."

#### H. Exceptions

In exceptional circumstances, depending on the nature of the alleged offense, it may be necessary for the President, upon the advice of the Vice President of Human Resources, the Vice President for Student Affairs and the General Counsel, to suspend/remove an alleged offender prior to beginning a formal investigation of a complaint. Reinstatement or further disciplinary action may be appropriate based upon the findings. The disciplinary action may be appealed as outlined in Section E.3 above.

#### I. Non-Retaliation

It shall be deemed a violation of the University of South Carolina's policies and procedures for any person to retaliate intimidate or take reprisals against a person who has filed a complaint, testified, assisted or participated in any manner in the investigation/resolution of a complaint of illegal discrimination as filed with the Office of Equal Opportunity Programs. Appropriate sanctions/disciplinary actions shall be taken against any person who has been found to have violated this policy.

#### III. Reason for Revision

Policy updated to ensure compliance with State and Federal laws.

# **EXHIBIT P**

NUMBER: STAF 6.24 (NEW)  
SECTION: Student Affairs and Academic Support  
SUBJECT: Student Non-Discrimination and Non-Harassment Policy  
DATE: April 9, 2013  
Policy for: Columbia Campus  
Procedure for: Columbia Campus  
Authorized by: Dennis A. Pruitt  
Issued by: Office of Student Conduct

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USC recognizes the human dignity of each member of the University community and believes that each member has a responsibility to promote respect and dignity for others so that all students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas, and able to share equally in the benefits of the University's education opportunities. To achieve this end, the University believes it should foster an academic, social, and living environment that is free from discrimination and harassment on the basis of race, color, national origin, religion, sex, gender, age, disability, sexual orientation, genetics, veteran status, or any other category protected by law<sup>1</sup>.

The University is also committed to the principles of academic freedom and believes that a learning environment where the open exchange of ideas is encouraged is integral to the mission of the University. The University vigorously embraces students' rights to the legitimate freedom of expression, speech, and association. Nothing in this policy is intended to impede the exercise of those rights protected under the First Amendment of the U.S. Constitution. The University recognizes that the conduct prohibited in this policy extends to behavior and speech that is not constitutionally protected and which limits or denies the rights of students to participate or benefit in the educational program.

The standard mandated by this policy represents the bare minimum of acceptable behavior. The University's commitment to civility, mutual respect, and tolerance should cause the members of the University community to adhere to an even higher standard of behavior in these matters—not because we are required to do so, but because conscience dictates it.

## I. Policy

It is the policy of the University of South Carolina that all students should be able to learn and live in an educational and campus environment that is free from discrimination and harassment on the basis of race, color, national origin, religion, sex, gender, age, disability, sexual orientation, genetics, veteran status, or any other category protected by law, in all programs, activities, and services of the University.

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<sup>1</sup> This policy recognizes federally protected categories of student characteristics as well as those characteristics protected as a matter of USC policy.

A. Scope

This policy applies to the conduct of students in all aspects of academic, residential, athletic, and social activities, operations, and programs at the University.<sup>2</sup> Any student or student organization that violates this policy shall be subject to disciplinary action up to and including suspension and expulsion from the University. Violations of this policy are considered to be a conduct offense under the USC Student Code of Conduct.

B. Definitions of Prohibited Conduct

1. Discrimination

Discrimination is the unfair or unequal treatment of an individual or a group based upon race, color, national origin, religion, sex, gender, age, disability, sexual orientation, genetics, veteran status, or any other category protected by law, that interferes with or limits the ability of an individual or group to participate in or benefit from the services, activities, or privileges provided by the University.

2. Harassment

Harassment is a specific type of illegal discrimination. It includes conduct (oral, written, graphic, or physical) which is directed against any student or group of students because of or based upon one or more of the characteristics articulated in Section II above, that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual or group to participate in or benefit from the programs, services, and activities provided by the University. Such harmful conduct may include, but is not limited to, objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm. Harassment does not include the use of materials by students or discussions involving students related to any characteristic articulated in Section II for academic purposes appropriate to the academic context.

3. Sexual Harassment

Sexual harassment is also included in this policy<sup>3</sup>. Sexual harassment is a specific type of discrimination which is defined as unwelcome conduct of a sexual nature

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<sup>2</sup> The University has adopted the following specific policies and procedures pertaining to discrimination and harassment that apply to the conduct of other members of the University community, including employees, faculty, and third-party vendors:

University Policy EOP 1.00 Equal Opportunity and Affirmative Action  
University Policy EOP 1.01 Equal Opportunity Complaint Processing Procedures  
University Policy EOP 1.02 Sexual Harassment  
University Policy EOP 1.03 Discriminatory Harassment  
University Policy EOP 1.04 Non-Discrimination Policy.

<sup>3</sup> The University's sexual harassment policy may also be found at EOP 1.02 Sexual Harassment.



that is sufficiently severe or pervasive that it adversely affects a student's or student group's ability to participate in or benefit from the programs and services provided by the University. Examples of conduct that may constitute sexual harassment in violation of this policy include, but are not limited to, the following types of unwelcome and harmful behavior:

- a. Physical Conduct
  - i. Unnecessary or unwanted touching, patting, massaging, etc.
  - ii. Impeding or blocking movements
  - iii. Acts of sexual violence
  - iv. Other unwanted conduct of a physical nature
- b. Non-Verbal Conduct
  - i. Suggestive or insulting gestures or sounds
- c. Verbal Conduct
  - i. Direct propositions of a sexual nature
  - ii. Sexual innuendos and other sexually suggestive or provocative behavior
  - iii. Repeated, unwanted requests for dates
  - iv. Repeated inappropriate personal comments
  - v. Unwelcome and inappropriate letters, telephone calls, electronic mail, or other communication or gifts
  - vi. Requests for sexual favors

Sexual harassment may occur between members of the same or opposite sex. Sexual harassment directed at any student or other member of the University community, regardless of his or her sexual orientation, is a violation of this policy.

Sexual harassment does not refer to occasional, nonsexual compliments, nonsexual touching, or other nonsexual conduct.

## II. Procedures

### A. Complaint Procedures

- 1. Any student may file a complaint with the Office of Equal Opportunity Programs (EOP) against another student, student organization, faculty, staff, or other member of the University community who is believed to have violated this policy or otherwise engaged in discriminatory or harassing behavior.

2. The Office of Equal Opportunity Programs (EOP) serves as the lead office for the receipt and investigation of all complaints of discrimination and harassment involving members of the University community, including complaints involving students and student organizations. Any student who believes he or she has been subjected to discrimination or harassment, or who has knowledge of or has witnessed discriminatory or harassing actions, should contact the EOP Office. The EOP Office can be contacted in person at 1600 Hampton Street (Suite 805), by e-mail at [wellsr@mailbox.sc.edu](mailto:wellsr@mailbox.sc.edu), or by telephone at (803) 777-9560. In the alternative, a student can complete the on-line complaint form found at <http://www.sc.edu/eop/students.html>. Students who feel their safety is threatened should immediately contact Campus Security at (803) 777-4215 or (803) 777-8400.
3. In the event a student has a complaint after hours, or on weekends or holidays, the student can inform an available University official<sup>4</sup> if the student believes immediate action is necessary. All University officials who are informed of a complaint by a student, who become aware of a complaint by other means, or who witness an act of discrimination and/or harassment involving students, are required to report this information to the EOP Office. If the complaint is such that the official believes it can be resolved by the official, with the consent of the students involved, and, if available, advice from the EOP Office, the official can attempt to resolve it. In all situations, however, whether the complaint is resolved or not, the official must report, in writing to the EOP Office by the next business day, the complaint, the names and contact information of the parties involved, and the resolution, if any, in order that the EOP Office can follow-up with the student to begin the resolution process or to ensure that the complaint was satisfactorily resolved and that no further investigation is needed.
4. The EOP Office will designate one staff member to handle student complaints and work with Student Affairs to ensure that the complaint is fairly and expeditiously investigated and if necessary, that appropriate sanctions are assessed.
5. In the event of an anonymous or victimless complaint, the EOP Office will investigate such complaints to the extent possible. The EOP will interview any witnesses to the acts and, if alleged offenders are identified, the alleged offenders. The EOP Office will then issue a report of findings to the Office of Student Affairs. The EOP Office and the Office of Student Affairs may use such incidents as an opportunity to inform and educate the University community.
6. Once a report of discrimination or harassment is received by the EOP Office, unless the complaint is anonymous, the EOP Office will contact the student who has made the complaint (“complainant”) to discuss confidentially the specifics of the complaint and provide guidance and information regarding the resolution

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<sup>4</sup>For the purposes of this policy, University officials include Student Affairs staff, Housing staff, resident mentors, athletic coaches and directors, student organization advisors, Greek Life officials, faculty advisors, faculty deans, and security staff.

process. If the complaint has been resolved, the EOP Office will ensure that the complainant is satisfied with the resolution and determine whether further investigation is warranted.

7. Complainants will be asked to provide the following information: a description of the alleged acts, the date(s) the alleged acts occurred, the names, if known, of the individual(s) or group(s) allegedly engaging in discriminatory or harassing acts, and the names of witnesses, if any. If the complainant wishes his or her name not be disclosed, the EOP Office will explain that such a confidentiality request may limit the ability of the University to respond but that the EOP Office will take all reasonable steps to investigate consistent with the complainant's request as long as doing so does not prevent the EOP Office from responding effectively to the complaint or prevents the EOP Office from stopping potential discrimination or harassment of others. In all situations, the EOP Office will take every effort, to the extent allowed by law, to protect the privacy of the persons involved. The number of persons with knowledge of the complaint shall be kept to a minimum and only those persons with a need to know will be notified of the complaint.

Following this initial meeting, the student may choose not to pursue the complaint, request informal resolution by the EOP Office, or proceed with a formal complaint with the EOP Office.

8. If the EOP Office determines the complaint is one that can be resolved informally, the EOP Office will explain the informal resolution process to the complainant and if the complainant agrees, the EOP Office will proceed with informal resolution. Some complaints are not appropriate for informal resolution, such as sexual assault complaints or complaints that involve violence or a threat of violence. In the event a complainant withdraws his or her complaint before resolution is accomplished, the EOP Office will continue to investigate the complaint to the extent possible to determine what occurred and then recommend, if appropriate, steps to remedy the situation.
9. In certain circumstances, the University may impose emergency action upon a student or student organization when there is reason to believe, based upon available evidence, that the student or student organization poses an immediate threat to the safety, health, or welfare of persons, property, or to the orderly operation of the University. Such emergency action can include, but is not limited to, suspension, limitation of privileges, or housing relocation or removal. Emergency action is interim in nature pending the outcome of conduct procedures. Emergency actions and procedures are fully described on the Office of Student Conduct website at <http://www.housing.sc.edu/osc/cp.html>. In cases involving potential criminal conduct, the EOP Office will determine whether appropriate law enforcement authorities should be notified.

B. Resolution Procedures

1. Informal Resolution

The informal resolution process is intended to be flexible so as to enable the EOP Office to address a complaint in the most effective and expeditious manner possible. Informal resolutions are accomplished with the consent of the complainant and assistance of other offices or administrators on campus in the area relevant to the complaint. The complainant, after receiving explanation of the informal resolution process, will be asked to sign a form consenting to informal resolution.

Informal resolution may be achieved by: (a) action taken by the complainant, when appropriate, to address the matter directly with the alleged offender; (b) action to negotiate a resolution undertaken by the EOP Office; or (c) mediation undertaken by the EOP Office. The complainant, at his or her discretion, may end the informal process and begin the formal resolution process at any time.

Although the process focuses on conciliation, not sanctions, disciplinary action, including an oral or written warning may be issued if agreed upon by all parties. In all cases in which informal resolution is achieved, the EOP Office will make a written report of the resolution to file with the copy of the complaint. In the event an oral or written warning is issued to an alleged offender, if the alleged offender is an employee, a copy of the warning is sent to employee's supervisor. In the case of a student or student organization, a copy of the warning is sent to the Office of Student Conduct. If the complaint is not settled by informal resolution, the EOP Office will proceed to formal resolution.

2. Formal Resolution

In a formal resolution process, the EOP Office will provide a copy of the complaint to the alleged offender within five (5) days either personally or by certified mail. The alleged offender ("respondent") will have ten (10) days in which to respond in writing to the complaint. A copy of the respondent's response will be provided to the complainant.

The EOP Office will assign the complaint to an investigator. Upon receiving the respondent's response, the EOP investigator may attempt to negotiate a resolution which is agreeable to both parties. If no negotiated resolution is achieved, or if a negotiated resolution is not feasible, the investigator will initiate a formal investigation of the complaint.

a. Complaint Investigation

The investigator will interview the complainant, the respondent, witnesses identified by the parties, and anyone else whom the investigator believes may have knowledge of the facts regarding the complaint. The

investigator may conduct independent research regarding the facts of the complaint. Investigations are normally completed within 15 working days but if warranted by circumstances, this time may be increased at the discretion of the investigator.

b. Complaint Findings

Based on the information obtained during the investigation, the EOP Office will issue a report of its findings to the complainant and respondent. There are two categories of findings: (1) no reasonable cause to believe illegal discrimination or harassment occurred, or (2) reasonable cause to believe a violation has occurred.

- i. In the event the EOP Office finds there is no reasonable cause to believe that illegal discrimination or harassment occurred, the complaint will be dismissed and the complainant will be advised that if he or she is dissatisfied with the decision, a complaint can be filed with the Office of Civil Rights of the United States Department of Education or the Civil Rights Division of the United States Department of Justice. In situations where the alleged acts do not rise to the level of illegal discrimination or harassment, the EOP Office, if it believes the situation is appropriate, may inform the University community of the occurrence(s) in order to educate the community about issues presented by the behavior and reaffirm the University's commitment to equal opportunity.
- ii. In the event the EOP Office finds that there is reasonable cause that a student or student organization engaged in illegal discrimination or harassment, the EOP Office will issue a report of findings, along with recommendation as to appropriate sanctions to the Director of the Office of Student Conduct. If the student is also an employee of the University, and the conduct involves the student's capacity as a University employee, the report must also be forwarded to the student respondent's immediate administrative official.<sup>5</sup> The report of findings will include a statement of the complaint, a chronology of the investigation, the information discovered, witness summaries, a list of documents pertinent to the investigation, the findings of the EOP Office, and any recommended sanctions the EOP Office believes are warranted.

c. Student Hearing Procedures

- i. The Office of Student Conduct (OSC) will then send written notification to the accused student or student organization

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<sup>5</sup> If the respondent is a University staff member or faculty member, the report of findings will be issued to the respondent's immediate administrative supervisor and the appropriate Vice President.

representative indicating the nature of the complaint. The student or student organization representative will be given the opportunity to meet with the OSC to discuss the allegations. Failure of the student or student organization representative to meet with the OSC could result in disciplinary action being imposed based on the available evidence. If the student or student organization representative disagrees with the finding of the EOP Office or the recommended disciplinary action, the student or student organization representative is offered several options to resolve the charges, including an informal administrative hearing, a formal administrative hearing, a University conduct hearing<sup>6</sup>, or mediation. At any such hearing, the EOP investigator will present the report of findings. The procedures for these hearings are fully described on the Office of Student Conduct website at <http://www.housing.sc.edu/osc/cp.html>.

- ii. Decisions resulting from administrative hearings or a University conduct hearing may be appealed by a student or a student organization to the Vice President for Student Affairs in the following limited situations: (1) there was a procedural error committed in hearing the case which significantly prejudiced the findings; or (2) new evidence, which could not have been available at the time of the hearing and which is material to the outcome of the case, becomes available. The procedure for appeal is fully described on the Office of Student Conduct website at <http://www.housing.sc.edu/osc/cp.html>.

d. Student Sanctions

- i. The EOP Office and the OSC may recommend sanctions to the appropriate hearing tribunal. Disciplinary action for student or student organization violations of this policy may include a variety of sanctions. The severity of the sanctions are determined by several factors, including but not limited to: whether there was physical harm or threat of physical harm to others; whether there was violence or the threat of violence; whether there was damage to University or student property; whether the respondent had engaged in similar conduct in the past; whether the proposed sanction will provide education and training to deter future violations; whether the proposed sanction will make the victim whole; and whether the proposed sanction will increase the University community's awareness of student discrimination and harassment.

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<sup>6</sup> Jurisdiction over violations of this policy by Greek organizations or members of Greek organizations will be with the OSC, not the Greek Life Office.

- ii. Sanctions for individual student violations may include the following: expulsion, suspension, conduct probation, conditions/restrictions on University privileges, written warning, fines and restitution, housing sanctions, required attendance at educational or community service events, and any other sanctions deemed appropriate by the EOP Office and OSC.
- iii. Sanctions for student organization violations may include the following: permanent revocation of organizational registration, suspension of rights and privileges for a specified period of time, conduct probation, conditions/restrictions, written warning, fines and restitution, required attendance at education or community service events, and any other sanctions deemed appropriate by the EOP Office and the OSC.

e. Record Keeping

While a complaint is being investigated, all evidence regarding the complaint must be maintained in the confidential files of the official handling the complaint and should be transferred to EOP Office once the complaint is resolved where all records regarding the complaint will be kept in confidential files within the EOP Office. These records will include the complaint, interview notes, witness statements, correspondence, investigation summaries and reports, and documentation of remedial actions. Access to these records shall be on a need to know basis only. These records will be maintained for a minimum of five years.

C. Non-Retaliation

It is a violation of this policy for any person to retaliate, intimidate or take reprisals against a person who has filed a complaint, testified, assisted or participated in any manner in the investigation or resolution of a complaint of discrimination or harassment. Appropriate disciplinary actions shall be taken against any person who has been found to have violated this policy.

D. Other

1. Reporting and Monitoring

The EOP Office will provide an annual report to the President of the University summarizing the discrimination and harassment complaints and the resolution (informal and formal) of such complaints. The University will also conduct a survey of students every three years to gauge students' knowledge of this policy and complaint procedures. The results of these surveys will be used to improve the procedures and policies of the EOP Office and the Office of Student Affairs.



2. Dissemination and Training

The EOP Office, in conjunction with the Office of Student Affairs, is responsible for ensuring that all students at the University are aware of their right to be free from discrimination and harassment. To achieve this goal, all new students will be informed of this policy and their rights and obligations under it during orientation. Information describing the policy is readily available on various University websites, including the student handbook, with links to the policy, and the online complaint form. Posters and brochures describing this policy can be found at various sites on campus where students congregate such as residence halls, Student Life offices, academic buildings, student organization offices, eating halls, Greek housing, etc.

Training will be provided to students and student organizations in order that students know and understand their rights and obligations under the policy, to whom to report violations, and the procedures for investigations and hearings. Training will also be provided to faculty and staff members who interact with students in order that these individuals understand their responsibility to report any incidents of discrimination or harassment report to or observed by them.

III. Related Policies

University Policy EOP 1.00 Equal Opportunity and Affirmative Action  
University Policy EOP 1.01 Equal Opportunity Complaint Processing Procedures  
University Policy EOP 1.02 Sexual Harassment  
University Policy EOP 1.03 Discriminatory Harassment  
University Policy EOP 1.04 Non-Discrimination Policy  
University Policy STAF 6.00 Disability Discrimination



# EXHIBIT Q

NUMBER: STAF 1.02  
SECTION: Student Affairs and Academic Support  
SUBJECT: Carolinian Creed  
DATE: June 1, 1992  
REVISED: August 10, 2010  
Policy for: Columbia Campus  
Procedure for: Columbia Campus  
Authorized by: Dennis A. Pruitt  
Issued by: Office of the Vice President

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I. Policy

The Carolinian Creed was authorized by a group of students, faculty, and staff and approved by the Faculty Senate, the Student Senate, and the Board of Trustees.

The community of scholars at the University of South Carolina is dedicated to personal and academic excellence. Choosing to join the community obligates each member to a code of civilized behavior.

As a Carolinian, this introduction submits that membership in the Carolina Community is not without its stewardship obligations. It is assumed or understood that joining is evidence of a subscription to certain ideals, civil discourse, and an agreement to strive for the level of achievement and virtue suggested by the following:

A. I will practice personal and academic integrity.

A commitment to this ideal is inconsistent with cheating in classes, in games, or in sports. It should eliminate the practice of plagiarism or borrowing another student's homework, lying, deceit, excuse making, and infidelity or disloyalty in personal relationships.

B. I will respect the dignity of all persons.

A commitment to this ideal is inconsistent with behaviors which compromise or demean the dignity of individuals or groups, including hazing, most forms of intimidating, taunting, teasing, baiting, ridiculing, insulting, harassing, and discrimination.

C. I will respect the rights and property of others.

A commitment to this ideal is inconsistent with all forms of theft, vandalism, arson, misappropriation, malicious damage to, and desecration or destruction of property.

Respect for other's personal rights is inconsistent with any behavior which violates their right to move about freely, express themselves in a civil manner, and to enjoy privacy.

- D. I will discourage bigotry, striving to learn from differences in people, ideas, and opinions.

A commitment to this ideal pledges affirmative support for equal rights and opportunities for all students regardless of their age, sex, race, religion, disability, ethnic heritage, socioeconomic status, political, social or other affiliation or disaffiliation, or affectional preference.

- E. I will demonstrate concern for others, their feelings, and their need for conditions which support their work and development.

A commitment to this ideal is a pledge to be compassionate, civil, and considerate, to avoid behaviors which are insensitive, inhospitable, or incident which unjustly or arbitrarily inhibit another's ability to feel safe or welcomed in their pursuit of appropriate goals.

- F. Allegiance to these ideals obligates each student to refrain from and discourage behaviors which threaten the freedom and respect all USC community members deserve.

This last clause reminds community members that they are not only obliged to avoid these behaviors, but that they also have an affirmative obligation to confront and challenge, respond to or report the behaviors whenever or wherever they are encountered.

## II. Reason for Revision

Policy updated to emphasize civility and stewardship. Changes are non-substantive.

# **EXHIBIT R**

December 8, 2015

Re: Complaint No. 20150091

Dear Mr. Wells and the Office of Equal Opportunity Programs,

I am bringing you this letter in response to the Notice of Charge you sent me on November 24. The Notice says your office received an “official Complaint of Discrimination” about a Free Speech Event that I lead for the College Libertarians in conjunction with the Young Americans for Liberty. As the Notice explains, the purpose of our meeting today is to see if it is possible to “resolve the complaint through mutually agreeable mediation.” If that is not possible, your Notice states that you will “move to investigate the complaint” and at the conclusion of your investigation issue a copy of your findings and recommendations to the Provost and the President of the University.

I write this letter to avoid any confusion during or after our meeting and because EOP 1.01 Section II(C)3(b) appears to require me to do so. I have done nothing more than offer discussion and education on the topic of free speech and open discussion at universities across the country (and abroad), a subject that has been in the news and should be especially important to other members of the student body. I have done nothing wrong, and as such I will not agree to a mediated resolution or other type of “plea bargain” of any complaints about my constitutionally protected speech. The University of South Carolina’s policy on Student Non-Discrimination and Non-Harassment (STAF 3.24) states that the University “is committed to the principles of academic freedom and believes that a learning environment where the open exchange of ideas is encouraged is integral to the mission of the University.” It further states that the University’s policy is not intended to impede the exercise of rights protected by the First Amendment, and that conduct prohibited by the non-harassment policy includes only “speech that is not constitutionally protected and which limits or denied the rights of students to participate or benefit in the educational program.”

Because our event involved the public discussion of ideas, there is nothing for us to “mediate.” Indeed, the very idea that I or any other student would be subjected to an investigation because I expressed an idea that some considered offensive is at odds with University Policy, the Carolinian Creed (which requires that all Carolinians respect the rights of others, including free speech), and most importantly the Constitution of the United States.

The entire point of our event was to educate the university community about the importance of free speech on college campuses in light of recent protests against freedom of expression at the University of Missouri, Yale, Amherst College, and Claremont McKenna, among others. As I informed the Director of Student Life, Kim McMahon, in planning the event, our display included versions of symbols and speeches that have been censored in the past that we wanted to use to start a conversation about student speech on campus. I knew that the event had the potential to be controversial which is why I wanted to provide the full context and specific details about what we would be displaying to the university before submitting the space request. After I informed Director of our plans, she told me there is “no controversy in educating [the] campus about what is happening in the world” and that the event presented students with an opportunity “to learn and

grow (and even be a bit uncomfortable), not further any intolerance, censorship or acts of incivility.”

The event took place as authorized. And while it did stimulate spirited discussion (and in a couple of instances strong disagreements) that was exactly point, just as it is the purpose of the First Amendment. We also invited students to sign a petition supporting free speech at Carolina, which stated in part:

We, the undersigned members of the Carolina community, pledge to all Carolinians, present and future, that we support and will defend your freedom of thought, conscience, inquiry, speech, expression, and communication. It is our moral obligation to defend the basic rights of all to free speech and expression, whether we support those views or not.

A complete copy of the petition is attached to this letter. We had more than twenty students sign the petition during our event, while many other members of the community (including faculty and staff) expressed the desire to do so but feared retaliation from the University.

Those fears were apparently well founded, as you have now informed me through the Notice of Charge that I must answer complaints and that I face possible sanctions because of our University approved Free Speech event. As I understand University policies and our previous phone conversation, these sanctions may include expulsion, suspension, conduct probation, conditions or restrictions on University privileges, a written warning, fines and restitution, required attendance at educational or community service events, or “any other sanctions deemed appropriate by the EOP Office and OSC [Office of Student Conduct].” So far as I know, no complaints were filed against Young Americans for Liberty or the College Libertarians because of our Free Speech event. But if complaints were to be filed, I understand the organizations could also face a range of sanctions up to permanent revocation of organizational registration.

To me it is unthinkable that a citizen of the United States or a student at this University should have to answer to a government office or be subjected to an investigation because of the exercise of their First Amendment rights. And the threat of sanctions makes it even worse. Accordingly, I ask that your office immediately dismiss all complaints that were submitted in response to our Free Speech Event and remove any notation of them from my student records.

It is essential that this matter be resolved immediately. Every day this matter is left open, subject to investigations, reports, and sanctions, is a day that the exercise of constitutionally-protected rights is threatened. If there is a bright side, it is that this situation may provide an opportunity for a teachable moment. It is my understanding that in situations where the “alleged acts do not rise to the level of illegal discrimination or harassment, the EOP Office may... inform the University community of the occurrence(s) in order to educate the community about issues presented by the behavior and reaffirm the University’s commitment to equal opportunity.”

I believe that this instance provides an opportunity to educate the community about the University’s commitment to the equal opportunity of freedom of expression and to the First Amendment. Accordingly, to provide the necessary education, and to remove the ongoing threat to the exercise of First Amendment rights, the following conditions must be met:

1. Your office should send a letter terminating this proceeding and make a written commitment that no further actions will be taken, and no sanctions imposed, on me, the College Libertarians, the Young Americans for Liberty, or any of our members, because of our Free Speech Event. Further, any notations about this instance made in the records, kept by the EOP or any other University department, of the above stated parties should be removed.
2. Your office should clarify in writing how the University policies are to be interpreted and applied in the future so as not to conflict with students' First Amendment rights. At a minimum, this means that the University will not find that illegal discrimination or harassment has occurred unless the behavior in question is severe, pervasive, and objectively offensive, as is currently established by law. This clarification should be made publically available to avoid future confusion about the policy from faculty, staff, and students.
3. The University should join the University of Chicago in adopting a binding commitment to principles of free expression. Among other things, the Chicago statement provides: "Debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed." It affirms that "it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive." A copy of the Chicago Principles, adopted in 2014 and joined by a number of other schools since then, is attached.

I look forward to your response. As I said before, it is vital to me and to the general atmosphere of free speech on our campus that the continuing cloud over the exercise of my First Amendment rights be lifted as soon as possible. If I have not been notified in writing by January 1, 2016 that the University has agreed to terminate this proceeding and to clarify its policies as described above I will have no choice but to pursue other potential remedies.

Sincerely,

Ross Abbott



# **EXHIBIT S**

NUMBER: STAF 3.17  
SECTION: Division of Student Affairs and Academic Support  
SUBJECT: Campus Solicitation  
DATE: June 1, 1992  
REVISED: September 2, 2010  
Policy for: Columbia Campus  
Procedure for: Columbia Campus  
Authorized by: Dennis A. Pruitt  
Issued by: Student Life

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I. Policy

The University of South Carolina has the duty and responsibility to maintain a safe and healthy environment conducive to its principal mission of education. At the same time, the University recognizes and respects the constitutional protection of free speech as well as the individual student's right to privacy. Accordingly, the University hereby adopts this solicitation policy for the purpose of establishing reasonable time, place and manner for campus solicitation.

II. Procedure

A. Solicitation is defined as contact for the purpose of:

1. Soliciting funds or sales or demonstrations that may result in sales;
2. Distributing advertising or other materials;
3. Compiling data for surveys, programs, or other purposes;
4. Recruitment of members or support for an organization or cause;
5. Providing educational information sessions (exclusive of formal University of South Carolina academic classes).

B. Solicitation activities may not substantially disrupt or materially (or significantly) interfere with the educational, administrative, or operational activities of the University. Commercial speech which is false, fraudulent, or misrepresentative is not permitted. Events which are in violation of local, state, or federal law, Board of Trustees policy, or rules, regulations, and guidelines of the University are prohibited.

- C. An event that places an undue burden on campus facilities, interferes with the use of campus facilities by other persons, disrupts normal operations, infringes on the protected rights of others, and/or has as a principal goal to incite a riot or to disrupt other activities, may be denied the privilege of using University facilities (or grounds) for solicitation.
  
- D. Distribution of Literature
  - 1. Distribution of literature by University or non-University individuals or organizations is subject to the solicitation policy in order to prevent harassment of students and to maintain the campus environment. The person-to-person distribution of literature by University or non-University individuals or organizations is restricted to the areas available for solicitation and must be registered and reserved in advance through the Department of Student Life (or designee).
  - 2. The posting of literature by University or non-University individuals or organizations is restricted to appropriate reserved areas of bulletin boards in University buildings or on the Carolina Information Boards located at various outdoor points around the campus. Some bulletin board space is designated for University activities only (see University Policy STAF 3.11 Posting Promotional Material, Including Banners, <http://www.sc.edu/policies/staf311.pdf>).
  - 3. The posting or attachment of flyers, posters, advertisements, or announcements of any type on the external/internal sides of buildings, trees, sidewalks, light posts, parked cars, or other similar structures is prohibited.
  
- E. Direct Mail Solicitation
  - 1. The University of South Carolina postal office is responsible for providing services for USC faculty, staff, and students for official University business only. Mail determined to be of personal nature (such as checks, bank statements, utility bills, personal packages) will be returned to the sender. The only exception to this policy is mail service to on-campus resident students whose mail is delivered via assigned university post office box.
  - 2. University Intra-Campus Mail Service cannot be used by faculty, staff, students, or outside businesses or organizations for advertising, campaign notices, solicitation, or for any purpose that is not determined official University business. No USC mailing list will be available for use other than for official University of South Carolina business. Student organizations may be contacted through the office of student organizations.
  
- F. Approval to solicit on the University of South Carolina campus shall not be granted in an arbitrary or capricious manner on the basis of the content of the proposed speech related

activity. Any constitutionally protected speech will be permitted within the reasonable time, place, and manner parameters of this policy.

G. Eligibility

1. University Organizations and Departments - Registered student organizations, academic units, or University departments may solicit in designated areas and under prescribed conditions as listed under Guidelines and Procedures later in this section.
2. Non-University Organizations and Individuals - Any non-University organization or individual wishing to come on campus for the purpose of solicitation must be sponsored by a registered student organization, academic unit, or University department.
3. Employee Solicitation - Employees of the University may not solicit for non-University sponsored activities during working time regardless of whether they are in their work area or not. (see University Policy HR 1.48 Solicitation and Distribution, <http://www.sc.edu/policies/hr148.pdf> ).
4. Solicitors and Tradesmen - Solicitors and tradesmen, including students, faculty, or other University personnel are prohibited from entering the grounds or buildings of the University of South Carolina for the purpose of transacting business with students, faculty, or other University personnel, unless they have been issued a letter of permit for this purpose by the Office for the Vice President for Student Affairs (or designee). Guidelines and procedures for buildings, grounds, and residence halls are distributed to solicitors upon registration and permit approval.

H. Guidelines

1. University Organizations and Departments
  - a. The organization or department must complete a USC Facility Reservation and Event Registration Form to the Russell House University Union event services coordinator.
  - b. Outside speakers and/or performers being sponsored on campus must be approved in advance by the associate vice president for student life and development (or designee). Sufficient biographical information to identify the proposed speaker, including the address, email address and telephone number of the speaker or that of the agency representing the speaker shall be provided. This information is placed in open public records and maybe posted at the reservation location.

- c. The Associate Vice President for Student Life and Development (or designee) must approve student fundraising activities. (See University Policy STAF 3.22 Fund Raising by Student Organizations for specific information, <http://www.sc.edu/policies/staf322.pdf> )
  - d. Lotteries, raffles, and games of chance must be in accordance with South Carolina state law.
2. Designated Areas - Solicitation activities are permitted in the following designated areas. A solicitation fee of \$29.00 will be assessed when activities are deemed solicitation as described in this policy. (Note: Any use of space not normally designated for use by student organizations and University departments must be requested in writing to the Associate Vice President for Student Life and Development at least two weeks prior to the event.)
- a. Specific areas of the Russell House University Union (including the front and back patios, Davis field, Ballroom, meeting rooms, and main lobby).  
Special stipulations:
    - i. User fees will be assessed under certain conditions to University departments and academic units for usage of Russell House facilities and equipment in accordance with the University's approved Consolidated List of Service Charges:  
[http://busfinance.admin.sc.edu/budget/doc\\_11/FY11Services.pdf](http://busfinance.admin.sc.edu/budget/doc_11/FY11Services.pdf).  
User fees will not be assessed to registered student organizations. (Note: User fees should not be confused with fees for services such as costs for technical services, security, or other labor costs or the solicitation fee.)
    - ii. Equipment - Organizations must use Russell House equipment (tables, chairs, etc.).
    - iii. Space Limitation - Each display area will normally be limited to four (4) tables.
    - iv. Display Material(s) - In the interest of maintaining an environment that is consistent with the mission of the RHUU and the University, the RHUU staff reserves the right to determine appropriate location and manner of all display materials including goods, posters, banners, backdrops, etc. All display materials must be maintained in the designated display area.
    - v. Campus-Wide Events - No solicitation fees will be assessed to non-University organizations or individuals who are invited to participate in a campus-wide event and provide services that are

integral to the mission or specific function of a University department (e.g., Career Fair sponsored by the USC Career Center). Display and table regulations may be waived for such campus-wide events. Requests for exceptions should be submitted in writing with the Facility Reservation and Event Registration form two weeks prior to the event. User fees may still apply.

- b. Greene Street (between the gates ONLY and at specified times)
  - c. Pickens Street Bridge (student organizations only)
  - d. Designated areas of the Coliseum walkway (student organizations only)
  - e. Designated areas of academic building lobbies upon the approval of the appropriate academic dean and the Associate Vice President for Student Life (or designee)
  - f. Other designated locations upon the approval of the Associate Vice President for Student Life (or designee)
  - g. Other specifically designated areas formally contracted through the University for the purpose of advertising goods and services to the Carolina community.
  - h. Residence Halls - Solicitation is prohibited in the residence halls. Newspaper subscriptions may be delivered by resident students or district managers after they have proper authorization from the Director for Residence Life. All other deliveries must be made to the lobby desk located in the lobby of each residence hall. Use of lobby tables for soliciting funds is prohibited for external vendors or organizations other than hall governments. Use of lobby tables is permitted for campus organizations and University offices only after permission has been received through the residence hall government president, the residence hall director/residence life coordinator, and the assistant director or associate director for residence life. External vendors may not advertise, distribute or leave coupons in the residence halls except in approved locations.
3. Exceptions to the above policies may be approved by the Director of the Russell House University Union provided that exceptions shall not be in conflict with the general policy on solicitation and sales.
  4. Upon approval, all solicitation and related activities shall be confined to the designated display space only; passers-by are not to be harassed or harangued.

5. Non-University Organizations and Individuals
  - a. Non-University organizations or individuals must be sponsored by a University student organization, University Department, or academic unit. The reservation/registration procedure must be properly completed by the appropriate registered student organization, academic unit, or University department prior to the non-University group setting up on campus.
  - b. Sponsored non-University groups are limited to use of designated RHUU facilities for the purpose of solicitation. Use of spaces by non-University organizations or individuals other than the RHUU designated spaces is generally prohibited unless extenuating circumstances exist.
  - c. Upon obtaining sponsorship, all other applicable guidelines must be adhered to as outlined in the this policy. Questions regarding sponsorship should be directed to the Office of the Associate Vice President for Student Life and Development.
  - d. The sponsoring University organization shall be responsible for ensuring that the non-University group is informed and in compliance with University policies and guidelines at all times during the registered event.
  - e. The following additional guidelines for non-University organizations and individuals must be adhered to:
    - i. A member or designee from the sponsoring student organization, academic unit or University department must be present at the solicitation location at all times.
    - ii. Use of facilities by non-University organizations or individuals for the purpose of solicitation is limited to no more than 5 (five) days per academic semester. Multiple sponsors do not allow for additional reservations.
    - iii. All advertising or "giveaways" must be in compliance with University policies.
    - iv. No food, beverage, alcohol or illegal items may be sold.
    - v. The appropriate business license and sales tax remission form (if applicable) must be provided upon request; registration with the Better Business Bureau may be required.
  - f. Non-University entities that are major sponsors of University-wide programs or services (such as Freshman Orientation), and non-University



entities that provide services that are integral to an on-going University-wide function of a specific University department (such as Employment Recruiters registered with the USC Career Center) may be exempt from the sponsor attendant and the five (5) day time limitation as listed above. Exceptions must be requested in advance in writing and shall be subject to the approval of the Associate Vice President for Student Life and Development (or designee).

III. Related Policies:

See also: STAF 4.03 University Housing Policies and Regulations (specifically section Z, "Solicitation in the Residence Halls")

III. Reason for Revision

Added solicitation fee; all other content reviewed and revised for accuracy.

# **EXHIBIT T**

NUMBER: STAF 3.25  
SECTION: Division of Student Affairs and Academic Support  
SUBJECT: Use of University Facilities  
DATE: June 1, 1992  
REVISED: December 9, 2010  
Policy for: Columbia Campus  
Procedure for: Columbia Campus  
Authorized by: Dennis A. Pruitt  
Issued by: Student Life

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I. Policy

Student organizations must reserve facilities for all on-campus events. In order to ensure scheduling of University facilities in an organized manner and to ensure compliance with University policies, it is necessary to maintain a comprehensive reservation procedure for all student organization meetings, fundraising activities, guest speakers, and other events. The Russell House University Union (RHUU) reservationist, located in Room 218 of the Russell House University Union, processes requests for all facility reservations.

II. General Guidelines and Procedures

- A. All room reservations must be requested through the RHUU reservationist on a USC Facility Reservation and Event Registration Form. For student organizations, reservations must be initiated by an officer of the organization.
- B. Avoiding Academic Conflicts - Social functions may not be held on campus on reading day(s) nor during final examination periods.
- C. General Guidelines for Reservation Requests
  - 1. Russell House University Union Facilities - Requests for reservations for RHUU facilities should be submitted at least 24 hours prior to the scheduled meeting or activity. This is to ensure that needed services and staffing can be provided for all meetings and activities in the building. If unforeseen circumstances necessitate a request for a reservation in a shorter time frame, the RHUU staff will attempt to fill the request to the best of its ability.
  - 2. Scheduling of Other University Areas (non-academic) - The RHUU Reservationist is also responsible for scheduling usage of the following

areas: Caroliniana Gardens, Pickens Street Bridge, the Coliseum walkway, the Gressette Room, Clariosophic Hall and Rutledge Chapel. These areas must be scheduled at least 24 hours in advance. (Other outdoor locations must be scheduled through the office of the Director of Student Life located in the West Wing of the Russell House.)

3. Academic Space Reservations - When space is not available in the RHUU, the University permits registered student organizations to meet in academic facilities. The following guidelines apply:
  - a. Reservations should be requested through the RHUU Reservationist who will submit the request to the Academic Facilities Schedule Coordinator. Requests must be submitted to the RHUU Reservationist at least three (3) working days in advance for proper processing.
  - b. Reservations will be accepted for the current semester only. Reservations will not be accepted until one week after classes begin and will not be made during final examination periods.
  - c. No food, drink, or smoking is allowed in academic classroom spaces.
  - d. No furniture may be moved from or into academic classroom spaces without prior approval.
  - e. Fundraising activities must be approved in advance by the appropriate academic dean and the associate vice president for student life and development. Membership drives may be held in academic facilities only if the purpose of the student organization is related to the discipline of the college where space is requested.

D. Types of Events Requiring Special Approval

1. Any social event held in a residence hall or in space adjoining a residence hall must have prior approval by the respective hall government(s) before receiving approval from the Department of Housing and Residential Services. Social events in a residence hall will be held normally on Friday and Saturday evenings.
2. Any social event held on campus or at a University facility that involves the use of alcoholic beverages must comply with all regulations governing the use of alcohol at that specific facility.

3. Any outdoor event held on campus must receive approval by the Director of Student Life. A detailed written request must be submitted two weeks prior to the event.

E. Guidelines/Procedures for use of the Russell House University Union

The Russell House University Union (RHUU) serves as the primary facility for student organization meetings and activities. If the RHUU facilities are fully scheduled or cannot meet the unique needs for a particular group, a reservation request for other facilities on campus will be processed by the RHUU reservationist to the appropriate facility schedule coordinator.

The facilities, services and programs of the RHUU are for the use and enjoyment of members of the University community and their guests. The following is intended to be a general statement of expectations and responsibilities for individuals and organizations while exercising their privilege of using the RHUU. Specific policies for particular facilities and/or types of events or activities may be distributed in other forms throughout the year. The RHUU staff will make every effort to notify members of the University community concerning new policies or policy changes.

1. Students, faculty, staff, organizations, departments, guests, and visitors shall be expected to respect the rights of others, and abide by all general laws and University policies as delineated in the Carolina Community or other policy document(s). In addition, users and guests of the RHUU shall be expected to abide by specific policies and procedures of the RHUU which are designed to prevent injury to person or property, obscene behavior, the disruption of the orderly operation of the building, its services and programs, as well as other related concerns. RHUU staff members, including building supervisors, building attendants, office assistants, security personnel, or other staff as appropriate, shall have the authority to make reasonable requests of users (or guests) of the building pertaining to matters concerning building safety, security, orderly operation or other policy or procedure concerns. Individuals or organizations who fail to comply may be subject to disciplinary or other appropriate action(s).
2. Individual students, faculty, staff, and/or organizations or departments shall be responsible for the behavior of their guest(s). It is the responsibility of the host to ensure that the guest(s) understands and abides by all University and RHUU policies and guidelines. If a guest is involved in a policy violation, the host individual and/or organization or department, as well as the guest, may be subject to disciplinary or other appropriate action(s).

3. Summary removal is an action requiring that an individual immediately leave the RHUU. Summary removal may be imposed by a building supervisor, security personnel, or a RHUU professional staff member when there is reasonable cause to believe, based on available facts, that:
  - a. an individual is an immediate threat to the safety or well being of him/herself, other persons or property; or
  - b. an individual's behavior is disruptive of the orderly operation of the building or its programs or services.

Summary actions may be warranted by potential or threatened, as well as, actual danger or disruption, but are indicated only when the serious nature or immediacy of the danger or disruption makes it impractical to follow normal disciplinary procedures. Some serious incidents or repeated incidents of threat, danger, or disruption, may result in the offending individual losing his/her RHUU use privileges for a specified amount of time or permanently.

Summary removal for a specified period may be imposed by the Director of the Russell House University Union. When an individual is summarily removed for a specified period of time, or permanently, he or she is given notice explaining the reasons for the removal, the duration, any special conditions that apply, and a copy of the summary removal policy. A student notified of such a summary removal may also be referred to the Office of Student Judicial Programs for disciplinary action.

The summary removal may remain in effect until all disciplinary charges are resolved. An individual notified of such summary action shall, upon written request, be given an opportunity to meet with the Director of the Russell House University Union or a designee within five (5) University business days from the date of the request. An individual who is summarily removed and returns to the RHUU and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be in the RHUU for a specific purpose (e.g. to consult with the Director, or to participate in disciplinary procedures) must be requested in writing or by telephone and approval granted by the Director prior to any conduct contrary to the removal or conditions.

4. Eligibility for Facility Usage: The facilities and services of the Russell House University Union (RHUU) are primarily for the support of activities sponsored by student organizations, academic units, and University departments. Non-University organizations (with no formal affiliation with the University) may be granted use of the facilities and/or services on a restricted basis. Approval for non-University related

organizations' use of facilities is most often restricted to those days when the University of South Carolina is not in academic session. Requests for RHUU facilities or services by non-University related organizations must be approved by the Director of the Russell House University Union.

Those applying for the use of facilities should be aware that the RHUU reservable facilities are State property and as such cannot be used for personal or financial gain.

The RHUU reserves the right to assign facilities on the basis of the most efficient utilization of space. The RHUU Director will make adjustments if certain situations require changes in the facilities reserved by a group.

F. Fees

Any fees charged for use of the RHUU are in compliance with the approved consolidated list of service charges  
[http://finplan.admin.sc.edu/budget/doc\\_11/FY11Services.pdf](http://finplan.admin.sc.edu/budget/doc_11/FY11Services.pdf) .

G. Solicitation in Russell House Facilities: Specific areas of the Russell House University Union are designated areas for solicitation in accordance with the policy on campus solicitation (<http://www.sc.edu/policies/staf317.pdf> ).

H. Reservation Procedures:

1. All activities in the RHUU are recorded on a master calendar maintained by the RHUU Reservationist. The Reservationist will accept requests for facilities usage based on the priority reservation system listed below and after that on an "as requested" basis consistent with all other related University policies.
2. Priority Reservations: Because of the high demand on space in the RHUU, the following priority reservation system is utilized to ensure equitable and efficient use of space by interested groups. Information on specific dates and procedures for Priority Reservations is distributed to all registered student organizations, student organization advisors, and is advertised in The Gamecock newspaper each semester by the RHUU Reservationist.
3. Request for facilities are processed in the following priority order:
  - a. Special Events Sponsored by University Entities - Special events shall be events recognized as such by the University and/or the Division of Student Affairs and Academic Support. These events will generally satisfy the following criteria:



- i. The event(s) must be University-wide in scope, i.e., should promote broad participation by the various University constituencies, including students, faculty and staff;
  - ii. The event(s) typically must not benefit any one or more specific organizations;
  - iii. The event must demonstrate wide appeal to the various University constituencies. Conferences or major meetings that satisfy the aforementioned criteria shall also be recognized as special events. A list of recognized special events at Carolina are on file in the Office of the Director of the Russell House University Union. Requests for exceptions shall be subject to approval by the Director of the Russell House University Union.
- b. Activities Sponsored by the Carolina Productions - In addition to its role as the student program board at the University of South Carolina, Carolina Productions performs a function that is integral to the stated mission and goals of the Russell House University Union. The Russell House University Union serves as the community center of the campus -- providing facilities, services and programs to enhance cultural awareness and learning, social interaction, and leisure activities for students, faculty, staff and friends of the Carolina community. The programs and activities sponsored by Carolina Productions are integral to that function. In addition to reserving confirmed events during the reservation period, the Carolina Productions may reserve up to sixteen "open" dates per semester.
- c. Activities Sponsored by Registered Student Organizations - Registered student organizations are those student organizations at the University of South Carolina that have completed the student organization registration process in accordance with the policy on Student Organizations (University Policy STAF 3.10). Student organizations must be currently registered and in good standing with the University in order to be eligible for facility usage.
- d. Academic Departments or Administrative Units - The RHUU facilities are not available for regular classroom instruction. Faculty organizations recognized by the Faculty Senate may reserve facilities.
- e. Student Organizations in the Process of Registering - Student organizations in the process of registering may utilize the RHUU facilities on a restricted basis. These organizations may use

facilities for three (3) organizational meetings for the sole purpose of organizing. Reservations indicating that the facility is to be used for a programming function such as social events, special programs, or revenue producing events, will not be accepted from student organizations undergoing the registration process. Organizations in this category are also not eligible to use the bulletin boards of the RHUU except to publicize organizational meetings.

- f. Activities Sponsored by Non-University Entities - The Russell House University Union is not available on a regular basis for use by non-University related entities. Non-University related entities may utilize certain facilities on a restricted basis subject to approval by the Director of the Russell House University Union.

I. RHUU Back Patio Entertainment

- 1. Entertainment on the back patio area (e.g. bands, speakers, dances, etc.) shall be restricted so as not to interfere with academic classes, the operation of the Student Health Center, or the library. Events may take place during the hours of 11:00 a.m. and 2:00 p.m. and/or 5:00 p.m. and dusk. Noise levels shall be considered when approving events, especially during the mid-day hours.
- 2. All reservation policies apply for the patio area, including completion and approval of the USC Facility Reservation and Event Registration form, for any type of event.
- 3. In case of inclement weather, certain types of events may be moved to the Russell House 2nd Floor lobby area provided space is available. The Reservationist must approve the relocation and building staff will assist with set-up of building equipment.
- 4. The back patio is one of the areas designated for student organization fundraising or membership drive activities (i.e. bake sales, print sales, fraternity/sorority rush sign-up, etc.) One (1) table per organization is the maximum permitted unless otherwise approved by the Director of the Russell House University Union. All fundraising activities must be approved in accordance with the policy on Fundraising by Student Organizations (University Policy STAF 3.22).

J. Greene Street Area (between gates only)

- 1. Greene Street, during the pedestrian period (10:00 am to 4:00 pm), can be reserved by registered student organizations, academic units, and University departments through the regular RHUU reservation procedure.

This area is designated for displays or activities that are of interest to the general University community. Noise levels shall be considered when approving events, especially during the mid-day hours.

2. Greene Street is a Columbia city street. Therefore, for hours beyond the designated pedestrian period, requests must be submitted in writing to the Associate Vice President for Student Life and Development at least three (3) weeks prior to the planned event due to the fact that the request must be submitted to and be approved by the City of Columbia.
3. All fundraising activities must be approved in accordance with the policy on Fundraising by Student Organizations (<http://www.sc.edu/policies/staf322.pdf>). One (1) table per organization is the maximum permitted unless otherwise approved by the Director of the Russell House University Union.
4. Parking of vehicles shall be strictly prohibited in the reserved activity area. It shall be the responsibility of the sponsor to enforce this policy. The sponsoring organization must obtain approval in advance through the Reservationist for vehicles needing to enter the gates for unloading and/or loading during specified set-up and/or breakdown periods. Vehicle(s) must be moved to one of the parking lots immediately after unloading or loading. Vehicles should not be allowed into the area for any reason during the course of the activity.
5. The scheduled event must end at least one (1) hour prior to the scheduled opening of the gates. The sponsoring organization shall be responsible for ensuring that crowd dispersal, breakdown and removal of all equipment, and clean up of the area (street and sidewalks), are completed before the scheduled opening of the gates.

### III. Related Policies

For additional information regarding facility usage at the University of South Carolina, contact the RHUU reservationist, Russell House University Union, room 218, or by phone at (803) 777-7127.

Approved services unit charges

[http://finplan.admin.sc.edu/budget/doc\\_11/FY11Services.pdf](http://finplan.admin.sc.edu/budget/doc_11/FY11Services.pdf)

University Policy STAF 3.22 Fundraising by Student Organizations

<http://www.sc.edu/policies/staf322.pdf>

University Policy STAF 3.17 Campus Solicitation

<http://www.sc.edu/policies/staf317.pdf>

IV. Reason for Revision

Policy organization, content, and accuracy reviewed. Also revised to move fee schedule out of policy, and instead point to regularly updated weblink.