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13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

15 **EVERY NATION CAMPUS MINISTRIES AT**  
16 **SAN DIEGO STATE UNIVERSITY, a student**  
17 **organization at San Diego State University;**  
18 **EVERY NATION CAMPUS MINISTRIES AT**  
19 **LONG BEACH STATE UNIVERSITY, a**  
20 **student organization at California State**  
21 **University, Long Beach; ALPHA DELTA CHI-**  
22 **DELTA CHAPTER, a sorority at San Diego**  
23 **State University; ALPHA GAMMA OMEGA-**  
24 **EPSILON CHAPTER, a fraternity at San Diego**  
25 **State University; HALEY HAWTHORNE, an**  
26 **individual; TREVOR STOKES, an individual;**  
27 **GWENDOLYN DAVIS, an individual;**  
28 **MELISSA TRAVIS, an individual; JACKIE**  
**LEWIS, an individual; JAMES ROSENBERG,**  
**an individual; DAVID SHOKAIR, an**  
**individual,**

**Plaintiffs,**

**v.**

**ROBERTA ACHTENBERG, JEFFREY**  
**BLEICH, HERBERT CARTER, CAROL**  
**CHANDLER, MOCTESUMA ESPARZA,**  
**DEBRA S. FARAR, ROBERT FOSTER,**  
**MURRAY L. GALINSON, GEORGE**  
**GOWGANI, MELINDA GUZMAN MOORE,**  
**WILLIAM HAUCK, RAYMOND**

Case No.

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

1 **HOLDSWORTH, JR., RICARDO F. ICAZA,**  
2 **COREY JACKSON, BOB LINSCHIED,**  
3 **CRAIG R. SMITH, and KYRIAKOS**  
4 **TSAKOPOULOS, in their official capacities as**  
5 **members of the Board of Trustees of the**  
6 **California State University; ARNOLD**  
7 **SCHWARZENEGGER, Governor of**  
8 **California, CRUZ BUSTAMANTE, Lieutenant**  
9 **Governor of California, FABIAN NUNEZ,**  
10 **Speaker of the California State Assembly,**  
11 **JACK O'CONNELL, California State**  
12 **Superintendent of Public Education, and**  
13 **CHARLES B. REED, California State**  
14 **University Chancellor, in their official capacities**  
15 **as ex-officio members of the Board of Trustees**  
16 **of the California State University; JEFFREY**  
17 **KLAUS, individually and in his official capacity**  
18 **as Director of Student Life and Development at**  
19 **California State University, Long Beach; F.**  
20 **KING ALEXANDER, in his official capacity as**  
21 **President of California State University, Long**  
22 **Beach; DOUGLAS CASE, individually and in**  
23 **his official capacity as Coordinator of Fraternity**  
24 **and Sorority Life at San Diego State University;**  
25 **JOHN or JANE DOE, in his or her official**  
26 **capacity as successor in interest to Dr. Evette**  
27 **Castillo, Assistant Dean of Students at San**  
28 **Diego State University; ROBYN L.**  
**RUBENSTEIN, in her official capacity as**  
**Coordinator of Student Organizations and**  
**Activities at San Diego State University;**  
**STEVEN L. WEBER, in his official capacity as**  
**President of San Diego State University; THE**  
**ACTIVITIES POLICY BOARD OF SAN**  
**DIEGO STATE UNIVERSITY; and STEFANY**  
 **FONTELA, MONIQUE POUGET, STACIE**  
 **TOYOFUKU-AKI, CAROLYN CHIN,**  
 **LAUREN CAPOBIANCO, ALEJANDRA**  
 **FERNANDEZ, JENNIFER WITKOWSKI,**  
 **BRANDON CLARK, JOHN LY, MICA**  
 **LARGO, SHANE SCHERER, BEN FISHER,**  
 **SABRINA BROWN, and CRYSTAL**  
 **BRANDAN, in their official capacities as**  
 **members of the Activities Policy Board,**

**Defendants.**



1 **JURISDICTION AND VENUE**

2 3. This action raises federal questions under the United States Constitution,  
3 particularly the First and Fourteenth Amendments and 42 U.S.C. § 1983.

4 4. This Court has original jurisdiction over the federal claims by operation of 28  
5 U.S.C. §§ 1331 and 1343.

6 5. This Court has authority to grant the requested injunctive relief under 28 U.S.C.  
7 § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201-02; the requested damages  
8 under 28 U.S.C. § 1343; and costs and attorneys fees under 42 U.S.C. § 1988(b).

9 6. Venue lies in the Federal District Court for the Southern District of California  
10 pursuant to 28 U.S.C. § 1391(b). A substantial part of the actions or omissions giving rise to  
11 this case occurred within the District, and at least one Defendant resides in this District.

12 **IDENTIFICATION OF THE PARTIES**

13 **Plaintiffs**

14 7. Plaintiff ENCM-SDSU is an unincorporated student organization at San Diego  
15 State University. It is a local chapter of the national organization known as Every Nation  
16 Campus Ministries, the student arm of Every Nation Ministries, Inc., a nonprofit California  
17 corporation with its principle offices in Los Angeles, CA.

18 8. Plaintiff ADX is a women’s sorority at San Diego State University. It is a local  
19 chapter of the National Fraternity of Alpha Delta Chi. Local chapters of the national  
20 organization, like ADX, operate under their own bylaws and are also bound and governed by  
21 the constitution, policies, and statement of faith of the national organization.

22 9. Plaintiff AGO is a men’s fraternity at San Diego State University. It is a local  
23 chapter of the national organization known as Alpha Gamma Omega Fraternity. Local chapters  
24 of the national organization, like AGO, operate under their own bylaws and are also bound and  
25 governed by the constitution, policies, and statement of faith of the national organization.

26 10. Plaintiff ENCM-LB is an unincorporated student organization at Long Beach  
27 State University. It is a local chapter of the national organization known as Every Nation  
28 Campus Ministries, the student arm of Every Nation Ministries, Inc., a nonprofit California

1 corporation with its principle offices in Los Angeles, CA.

2 11. Plaintiff Haley Hawthorne is, and was at all times relevant to this Complaint, a  
3 student at Long Beach State and president of ENCM-LB.

4 12. Plaintiff Trevor Stokes is, and was at all times relevant to this Complaint, a  
5 student at San Diego State and president of ENCM-SDSU.

6 13. Plaintiff Gwendolyn Davis is, and was at all times relevant to this Complaint, a  
7 student at San Diego State and an officer of ENCM-SDSU.

8 14. Plaintiff Melissa Travis is, and was at all times relevant to this Complaint, a  
9 student at San Diego State and president of ADX.

10 15. Plaintiff Jackie Lewis is, and was at all times relevant to this Complaint, a  
11 student at San Diego State and devotional chair of ADX.

12 16. Plaintiff James Rosenberg is, and was at all times relevant to this Complaint, a  
13 student at San Diego State and chaplain of AGO.

14 17. Plaintiff David Shokair is, and was at all times relevant to this Complaint, a  
15 student at San Diego State and Treasurer of AGO.

16 **Defendants**

17 18. Defendants Roberta Achtenberg, Jeffrey Bleich, Herbert Carter, Carol Chandler,  
18 Moctesuma Esparza, Debra S. Farar, Robert Foster, Murray L. Galinson, George Gowgani,  
19 Melinda Guzman Moore, William Hauck, Raymond Holdsworth, Jr., Ricardo F. Icaza, Corey  
20 Jackson, Bob Linscheid, Craig R. Smith, Kyriakos Tsakopoulos, Arnold Schwarzenegger, Cruz  
21 Bustamante, Fabian Nunez, Jack O'Connell, and Charles B. Reed are, and were at all times  
22 relevant to this Complaint, members of the Board of Trustees of the California State University.  
23 These Defendants' duties include the adoption of rules and regulations that govern the  
24 California State University, including Long Beach and San Diego State. They are sued in their  
25 official capacities.

26 19. Defendant Jeffrey Klaus is, and was at all times relevant to this Complaint,  
27 Director of Student Life and Development at Long Beach State. Mr. Klaus's duties include the  
28 oversight of the recognition process for student organizations and the application of University

1 policies and regulations to those student organizations. Mr. Klaus is sued in his individual and  
2 official capacities.

3 20. Defendant F. King Alexander is President of Long Beach State University.  
4 President King's duties include the oversight of Long Beach State and the execution of policies  
5 and regulations that govern the University. He is sued in his official capacity.

6 21. Defendant Douglas Case is, and was at all times relevant to this Complaint,  
7 Coordinator of Fraternity and Sorority Life at San Diego State. Mr. Case's duties include the  
8 oversight of the recognition process for fraternal student organizations and the application of  
9 University policies and regulations to those student organizations. Mr. Case is sued in his  
10 individual and official capacity.

11 22. Defendant John or Jane Doe is the successor in interest to Dr. Evette Castillo,  
12 who was at all times relevant to this Complaint Assistant Dean of Students at San Diego State  
13 University and a member of the Activities Policy Board at San Diego State. The Assistant  
14 Dean of Students' duties include the oversight of the recognition process for student  
15 organizations and the application of University policies and regulations to those student  
16 organizations. John or Jane Doe is sued in his or her official capacity.

17 23. Defendant Robyn L. Rubenstein is the Coordinator of Student Organizations and  
18 Activities at San Diego State University. Ms. Rubenstein's duties include the oversight of the  
19 recognition process for student organizations and the application of University policies and  
20 regulations to those student organizations. Ms. Rubenstein is sued in her official capacity.

21 24. Defendant Steven L. Weber is, and was at all times relevant to this Complaint,  
22 President of San Diego State University. President Weber's duties include the oversight of San  
23 Diego State and the execution of policies and regulations that govern the University. He is  
24 sued in his official capacity.

25 25. Defendant Activities Policy Board of San Diego State University ("APB") is a  
26 board composed of students and staff and faculty members of San Diego State University. The  
27 APB is responsible for managing on-campus student groups, including registering clubs for on-  
28 campus status and applying University policies and regulations to student organizations.

1           26.       Stefany Fontela is, and was at all times relevant to this Complaint, a member  
2 and Chair of the APB at San Diego State. Ms. Fontela's duties include the oversight of the  
3 recognition process for student organizations and the application of University policies and  
4 regulations to those student organizations. She is sued in her official capacity.

5           27.       Monique Pouget is, and was at all times relevant to this Complaint, a member of  
6 the APB at San Diego State. Ms. Pouget's duties include the oversight of the recognition  
7 process for student organizations and the application of University policies and regulations to  
8 those student organizations. She is sued in her official capacity.

9           28.       Stacie Toyofuku-Aki is, and was at all times relevant to this Complaint, a  
10 member of the APB at San Diego State. Ms. Toyofuku-Aki's duties include the oversight of  
11 the recognition process for student organizations and the application of University policies and  
12 regulations to those student organizations. She is sued in her official capacity.

13          29.       Carolyn Chin is, and was at all times relevant to this Complaint, a member of  
14 the APB at San Diego State. Ms. Chin's duties include the oversight of the recognition process  
15 for student organizations and the application of University policies and regulations to those  
16 student organizations. She is sued in her official capacity.

17          30.       Lauren Capobianco is, and was at all times relevant to this Complaint, a member  
18 of the APB at San Diego State. Ms. Capobianco's duties include the oversight of the  
19 recognition process for student organizations and the application of University policies and  
20 regulations to those student organizations. She is sued in her official capacity.

21          31.       Alejandra Fernandez is, and was at all times relevant to this Complaint, a  
22 member of the APB at San Diego State. Ms. Fernandez's duties include the oversight of the  
23 recognition process for student organizations and the application of University policies and  
24 regulations to those student organizations. She is sued in her official capacity.

25          32.       Jennifer Witkowski is, and was at all times relevant to this Complaint, a member  
26 of the APB at San Diego State. Ms. Witkowski's duties include the oversight of the  
27 recognition process for student organizations and the application of University policies and  
28 regulations to those student organizations. She is sued in her official capacity.

1           33.       Brandon Clark is, and was at all times relevant to this Complaint, a member of  
2 the APB at San Diego State. Mr. Clark's duties include the oversight of the recognition process  
3 for student organizations and the application of University policies and regulations to those  
4 student organizations. He is sued in his official capacity.

5           34.       John Ly is, and was at all times relevant to this Complaint, a member of the  
6 APB at San Diego State. Mr. Ly's duties include the oversight of the recognition process for  
7 student organizations and the application of University policies and regulations to those student  
8 organizations. He is sued in his official capacity.

9           35.       Mica Largo is, and was at all times relevant to this Complaint, a member of the  
10 APB at San Diego State. Mr. Largo's duties include the oversight of the recognition process  
11 for student organizations and the application of University policies and regulations to those  
12 student organizations. He is sued in his official capacity.

13          36.       Shane Scherer is, and was at all times relevant to this Complaint, a member of  
14 the APB at San Diego State. Mr. Scherer's duties include the oversight of the recognition  
15 process for student organizations and the application of University policies and regulations to  
16 those student organizations. He is sued in his official capacity.

17          37.       Ben Fisher is, and was at all times relevant to this Complaint, a member of the  
18 APB at San Diego State. Mr. Fisher's duties include the oversight of the recognition process  
19 for student organizations and the application of University policies and regulations to those  
20 student organizations. He is sued in his official capacity.

21          38.       Sabrina Brown is, and was at all times relevant to this Complaint, a member of  
22 the APB at San Diego State. Ms. Brown's duties include the oversight of the recognition  
23 process for student organizations and the application of University policies and regulations to  
24 those student organizations. She is sued in her official capacity.

25          39.       Crystal Brandan is, and was at all times relevant to this Complaint, a member of  
26 the APB at San Diego State. Ms. Brandan's duties include the oversight of the recognition  
27 process for student organizations and the application of University policies and regulations to  
28 those student organizations. She is sued in her official capacity.



1 **FACTUAL ALLEGATIONS**

2 **I. DEFENDANTS’ POLICIES AND PRACTICES**

3 **California State University Policies on Nondiscrimination**

4 40. The members of the Board of Trustees of California State University (“Board”) are responsible for adopting rules and regulations to govern the California State University.

6 41. The California State University is comprised of twenty-three universities, including Long Beach and San Diego State, each of which is bound by the regulations adopted by the Board.

9 42. The Board members have adopted numerous regulations governing the granting of official recognition to student organizations.

11 43. Specifically, the Board regulations forbid universities to recognize “any fraternity, sorority, living group, honor society, or other student organization which discriminates on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability.” 5 CA ADC § 41500.

15 44. Regulation 5 CA ADC § 41500 prohibits student organizations from selecting members and officers, or denying membership and leadership positions, based on any of the listed categories.

18 45. Under Board regulation 5 CA ADC § 41501, universities are prohibited from granting “any benefit, resource, or privilege whatsoever, or allowing the use of campus facilities” to groups that do not comply with § 41500.

21 46. Board regulation 5 CA ADC § 41503 compels the president or similar officer of each recognized student organization to provide university officials a signed statement attesting “that the organization has no rules or policies which discriminate on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability.”

26 47. This same regulation (§ 41503) requires recognized student organizations to renew this statement of allegiance to the Board’s nondiscrimination policy annually.

28 48. Board regulation 5 CA ADC § 41504 requires universities to immediately

1 withdraw official recognition from any student organization whose national governing body  
2 takes “any action which has the effect of penalizing or disciplining any branch or chapter at a  
3 campus in order to enforce a policy of discrimination based on race, religion, national origin,  
4 ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability.”

5 49. By regulation, the Board exempts intercollegiate athletic teams, facilities,  
6 competitions, and social fraternities or sororities or other university living groups from the  
7 prohibition on gender-based discrimination. 5 CA ADC § 41500 and 41505.

### 8 **San Diego State University’s Policies and Practices**

9 50. San Diego State encourages students to organize independent, private  
10 organizations to advocate ideas on campus.

11 51. San Diego State encourages the creation of student organizations to increase the  
12 range of viewpoints advocated in the marketplace of ideas on campus and to enhance the  
13 educational experience for students.

14 52. San Diego State does not endorse the viewpoints of recognized student  
15 organizations.

16 53. Currently, there are over 150 recognized student organizations at San Diego  
17 State.

18 54. Official recognition at San Diego State entitles a student organization to:

- 19 a. use San Diego State’s name, logo, and symbols;
- 20 b. free publicity in the *Daily Aztec* and Associated Students (AS)  
21 communications;
- 22 c. post signs in reserved areas;
- 23 d. meet on campus;
- 24 e. reserve AS and university facilities and equipment;
- 25 f. apply for and receive Aztec Center office or desk space;
- 26 g. apply for and receive AS funding;
- 27 h. sponsor and publicize on-campus activities and events;
- 28 i. maintain an organizational mailbox in the Aztec Center;

- j. participate in Activities Policies Board (“APB”) and university events, including Homecoming, Spring Fiesta, and Welcome Week;
- k. engage in fundraising activities approved by the APB;
- l. utilize San Diego State’s website for publicity.

55. San Diego State requires student organizations seeking official recognition to submit a signed “Student Organization On-Campus Recognition Application.”

56. The “Indemnification” clause of the application contains the following disclaimer:

The actions and opinions of this organization do not necessarily reflect those of the students, staff, faculty, or administration of San Diego State University, Centers for Student Involvement, or the Associated Students of SDSU. Student organizations are also informed that the organization and its members may not represent themselves, or act on behalf of, San Diego State University, Centers for Student Involvement, or the Associated Students of SDSU, its students, faculty, or administration.

57. The “Officer List” section of the application packet contains a clause that requires the president of the student organization to certify that the organization will “abide by all University and Associated Students regulations published in the Student Organization Handbook . . . including those regulations concerning non-discrimination.”

58. Regarding San Diego State’s nondiscrimination policy, the Handbook states:

On-campus status will not be granted to any student organization whose application . . . restricts membership or eligibility to hold appointed or elected student officer positions in the campus-recognized chapter or group on the basis of race, sex, color, age, religion, national origin, marital status, sexual orientation, physical or mental handicap, ancestry, or medical condition, except as explicitly exempted under federal law.

59. Further, San Diego State policy compels all new and continuing student organizations to include the above nondiscrimination provision in their bylaws.

60. San Diego State requires student organizations to renew their on-campus recognition by the third week of the fall semester each year.

61. Student organizations renewing their on-campus recognition status must submit a “Student Organization On-Campus Recognition Application,” sign the clause certifying that

1 the student organization will abide by the university's nondiscrimination policy, and include  
2 the university's nondiscrimination provision in their bylaws.

3 62. Defendant Activities Policy Board of San Diego State University ("APB") is  
4 responsible for granting or denying recognition to student organizations.

5 63. The APB applies the above outlined nondiscrimination policies to student  
6 organizations.

7 64. San Diego State, by and through the Associated Students Council ("ASC"),  
8 provides funding to recognized student organizations on campus.

9 65. To receive funds, recognized student organizations must apply to the ASC  
10 finance board.

11 66. The ASC finance board is responsible for determining whether a student  
12 organization's funding application is approved.

13 67. Upon information and belief, by policy and practice San Diego State and the  
14 ASC finance board do not fund the religious expression of student groups, including the  
15 activities, speech, and viewpoints of religious student organizations.

16 68. Upon information and belief, San Diego State and the ASC finance board fund  
17 similar activities, speech, and viewpoints of non-religious groups.

18 69. The San Diego State policies outlined above apply to all student organizations,  
19 including fraternities and sororities.

## 20 **Long Beach State's Policies and Practices**

21 70. Long Beach State encourages students to organize independent, private  
22 organizations to advocate ideas on campus.

23 71. Long Beach State encourages the creation of student organizations to increase  
24 the range of viewpoints advocated in the marketplace of ideas on campus and to enhance the  
25 educational experience for students.

26 72. Long Beach State does not endorse the viewpoints of recognized student  
27 organizations.

28 73. Currently, there are over 100 recognized student organizations at Long Beach

1 State.

- 2 74. Official recognition at Long Beach State entitles a student organization to:
- 3 a. reserve Long Beach State facilities, property, services, or equipment;
- 4 b. use the Long Beach State name as part of the organization name;
- 5 c. access funding from the Associated Students Incorporated;
- 6 d. maintain a listing on the Student Life and Development website;
- 7 e. place organizational materials in freshman orientation materials;
- 8 f. participate in Welcome Week, where each student organization is
- 9 permitted access to a table to recruit new members;
- 10 g. access to numerous university provided avenues to communicate its
- 11 message on campus;
- 12 h. use of a student organization mailbox in the University Student Union;
- 13 i. apply for a University Student Union work station in the Robert C.
- 14 Maxson Student Organization Center.

15 75. To obtain and maintain access to the foregoing benefits and privileges, Long

16 Beach State requires student organizations to abide by its nondiscrimination policy.

17 76. Long Beach State prohibits student groups from discriminating on the basis of

18 age, ancestry, color, covered U.S. military service, ethnicity, gender, marital status, medical

19 condition, national origin, physical or mental disability, pregnancy, race, religion, and sexual

20 orientation as set forth in Campus Regs, CSULB Regulations for Campus Activities, Student

21 Organizations and the University Community 2005 (34<sup>th</sup> edition), Regulation XVIII.

22 77. Long Beach State's nondiscrimination policy prohibits student organizations

23 from considering religion, sexual orientation, or marital status in the selection of members and

24 officers.

25 78. Long Beach State requires recognized student organizations to file an

26 Organization Registration Card ("ORC") each year with the Office of Student Life and

27 Development.

28 79. Among other things, the ORC requires the president of each student

1 organization to certify that “the student members of the above organization at California State  
2 University, Long Beach are free to choose and accept new members without discrimination on  
3 the basis of sex, race, religion, national origin, sexual orientation or disability.”

4 80. A student organization that violates or cannot comply with Long Beach State’s  
5 nondiscrimination policy is denied official recognition or will have its officially-recognized  
6 status revoked.

7 **II. DEFENDANTS DISCRIMINATE AGAINST PLAINTIFF STUDENT ORGANIZATIONS**

8 **ENCM-SDSU**

9 **Theological Commitments**

10 81. Plaintiff ENCM-SDSU is an unincorporated student organization at San Diego  
11 State.

12 82. ENCM-SDSU is an affiliated student chapter of Every Nation Campus  
13 Ministries (“ENCM,” formerly “Victory Campus Ministries”), the student arm of Every Nation  
14 Ministries, Inc., a non-profit corporation with its principal offices in Los Angeles, CA.

15 83. The student chapters of ENCM are bound and governed by the Statement of  
16 Faith, policies, and guidelines of ENCM, and are local extensions of ENCM.

17 84. ENCM recently changed its name from Victory Campus Ministries.

18 85. Pursuant to the organization changing its name to ENCM, it circulated a new  
19 student chapter constitution to its affiliated student chapters in July 2005.

20 86. ENCM instructed the leaders of its student chapters to turn in the new  
21 constitution when registering as university student organizations at the beginning of the 2005  
22 school year.

23 87. On approximately August 31, 2005, Trevor Stokes, the President of ENCM-  
24 SDSU, submitted the student organization application packet and the new constitution of  
25 ENCM-SDSU for the purpose of receiving official recognition as a student organization.

- 26 88. ENCM-SDSU’s constitution provides that the student group is committed to:
- 27 • Sharing the knowledge of life in Christ Jesus with the SDSU community;
  - 28 • Helping people in their relationship with Jesus Christ and providing them with training for victorious Christian living, leadership, and excellence;

- 1 • Introducing its members to a local church family and other missions or
- 2 ministry opportunities;
- 3 • Making a positive impact on the SDSU campus by developing students,
- 4 equipped with biblical solutions to contemporary problems, to serve
- 5 every facet of the SDSU community and ultimately the world.

6 89. Any student is welcome to participate in ENCM-SDSU meetings and other  
7 activities, regardless of religion, sexual orientation, marital status, or membership or non-  
8 membership in any other protected class.

9 90. ENCM-SDSU expects its members and officers to be representatives of ENCM-  
10 SDSU and of their Lord and Savior, Jesus Christ, at all times on campus.

11 91. Members and officers of ENCM-SDSU routinely interact with the campus  
12 community, and are expected to uphold the religious beliefs and viewpoints and model the  
13 standards of conduct of ENCM-SDSU in these interactions.

14 92. ENCM-SDSU promotes the Christian Gospel message on campus by various  
15 means, including outreach efforts to non-Christian students, inviting non-Christians to attend  
16 ENCM-SDSU Bible studies and events, and one-on-one evangelism.

17 93. ENCM-SDSU believes that to achieve success in reaching its religiously-  
18 motivated goals of promoting the Christian faith and Gospel message on San Diego State's  
19 campus, it must require its members and officers to adhere to and follow a Christian statement  
20 of faith, Christian tenets of belief, and Christian standards of conduct.

21 94. Specifically, ENCM-SDSU's constitution states that its members must be  
22 "Christians who have professed their faith in the Lord Jesus Christ as defined by the Statement  
23 of Faith and who strive to live according to the tenets of the Bible."

24 95. Similarly, ENCM-SDSU's constitution states that its officers must "have  
25 professed their faith in the Lord Jesus Christ as defined by the Statement of Faith and live  
26 according to the tenets of the Bible as explained by the Statement of Faith."

27 96. Each member and officer must sign an oath, stating that they "have read, am in  
28 agreement with, and believe to be true, the Statement of Faith of Every Nation Campus  
Ministries," and promising to "strive to uphold godly Christian character and conduct."

97. ENCM-SDSU's Statement of Faith is as follows:

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We believe...  
The Bible to be the inspired, the only infallible, authoritative Word of God.

We believe...  
There is one eternal, almighty and perfect God: Father, Son and Holy Spirit.

We believe...  
In the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return in power and glory.

We believe...  
That for the salvation of lost and sinful man, regeneration by the Holy Spirit is essential.

We believe...  
In the present ministry of the Holy Spirit by whose indwelling the Christian is enabled to live a godly life.

We believe...  
In the resurrection of both the saved and the lost; they that are saved unto the resurrection of life, and they that are lost unto the resurrection of damnation.

We believe...  
In the spiritual unity of believers in our Lord Jesus Christ.

98. ENCM-SDSU’s constitution contains the following non-exhaustive list of actions which would violate ENCM-SDSU’s Statement of Faith and its standards of Christian conduct for its members and officers: “failure to perform duties, non-attendance, misuse of funds, historical Christian heresy, engaging in sexual activity outside the bounds of marriage, etc.”

99. An officer of ENCM-SDSU can be removed or membership in ENCM-SDSU revoked for conduct that violates Biblical standards of morality or for a violation of the Statement of Faith.

100. On October 21, 2005, Brett Holman, national director of ENCM, sent an email to all ENCM affiliated student groups regarding sexual morality standards and membership in ENCM.

101. Attached to this email was a document entitled “Statement on Sexual Morality Standards.”

102. This Statement communicated ENCM’s position on sexual morality and how



1 that position relates to membership and leadership in student chapters.

2 103. ENCM-SDSU is bound by this Statement.

3 104. The Statement explains that sexual conduct is appropriate only when it takes  
4 place between a man and woman within the marriage relationship. Hence, individuals who  
5 advocate the propriety of sex outside the bounds of marriage, whether heterosexual or  
6 homosexual, or unrepentantly engage in such sex acts, whether heterosexual or homosexual,  
7 are not permitted to be members or officers of ENCM-SDSU.

8 105. The Statement further explains that same-sex attraction is not in accordance with  
9 God's original design and intention. ENCM believes that God created male and female, with a  
10 normative sexual inclination toward persons of the opposite sex. Therefore, individuals who  
11 believe they are innately homosexual, or advocate the viewpoint that homosexuality is a natural  
12 part of God's created order, are not permitted to be members or officers of ENCM-SDSU.

13 106. An individual who may have engaged in homosexual conduct in the past but has  
14 genuinely repented of that conduct would not be prevented from becoming a member or  
15 serving as an officer of ENCM-SDSU based on that past conduct.

16 107. Based on its Statement of Faith and Statement on Sexual Morality Standards,  
17 ENCM-SDSU recognizes marriage as being only between one man and one woman. To the  
18 extent "marital status," as used in the Defendants' nondiscrimination policies, contemplates  
19 relationships beyond that of one man and one woman in holy matrimony, ENCM-SDSU cannot  
20 comply with that term without violating its religious beliefs and rights of conscience.

21 108. It would contradict ENCM-SDSU's expressive and associational purpose to  
22 permit individuals who do not agree with and follow its Statement of Faith, tenets of belief, and  
23 Christian standards of conduct to serve as officers or members.

24 109. Permitting leadership and membership to those who do not agree with and  
25 follow ENCM-SDSU's Statement of Faith, tenets of belief, and Christian standards of conduct  
26 would communicate a message which ENCM-SDSU opposes.

27 110. Because of its sincerely held religious beliefs, ENCM-SDSU objects to the  
28 nondiscrimination policies of the Board of Trustees of the California State University and San

1 Diego State, which require ENCM-SDSU to open its membership and leadership to all students  
2 regardless of religion, sexual orientation, and marital status.

3 111. ENCM-SDSU does not object to any of the other forms of discrimination  
4 prohibited by the policies of the Board of Trustees of the California State University and San  
5 Diego State.

6 112. Because of its sincerely held religious beliefs, ENCM-SDSU objects to  
7 communicating a university-imposed ideological message in its organizational documents of  
8 acceptance or approval of alternative religious beliefs, of alternative views on sexuality and the  
9 practice thereof, and of conduct that undermines the Christian message it advocates and  
10 lifestyle it models on campus.

11 **Denial of Recognition**

12 113. Between 1999 and the fall 2005 semester, ENCM-SDSU had been a recognized  
13 student organization under the name Victory Campus Fellowship, and had enjoyed access to all  
14 the rights and privileges pertaining thereto.

15 114. Recognized student organizations at San Diego State must renew their  
16 recognized status at the beginning of the fall semester each year.

17 115. On approximately August 22, 2005, Trevor Stokes, in his capacity as president  
18 of Victory Campus Fellowship (“VCF”), turned in the VCF Constitution and accompanying  
19 application for renewal of recognized status.

20 116. VCF received approval as a recognized student organization.

21 117. Shortly thereafter Mr. Stokes received notification from ENCM that he needed  
22 to change his organization’s name from VCF to ENCM and submit a new constitution.

23 118. On approximately August 31, 2005, Mr. Stokes submitted a new “Student  
24 Organization On-Campus Recognition Application” for ENCM-SDSU and a new constitution  
25 for approval as a recognized student organization.

26 119. Mr. Stokes repeatedly checked on the status of the application with the Centers  
27 for Student Involvement but was warned by numerous individuals, including Kelly Witt and  
28 Alicia Milan, that the group’s requirement that members and officers sign and abide by a

1 Christian statement of faith likely violated San Diego State’s nondiscrimination policy.

2 120. On October 17, 2005, the Activities Policy Board (“APB”) denied recognized  
3 status to ENCM-SDSU because its constitution requires members to be Christians. The APB  
4 minutes state:

5 There was discussion about the proposed new organization “Every Nation  
6 Campus Ministries” and their membership criteria that specifically states that the  
7 members will be Christians. The group was formerly known as “Victory  
8 Campus Fellowship”. Title V, Section 41500 of the California Code of  
9 Regulations prohibits restrictions on membership in public university student  
10 groups based on race, religion, ethnicity, and other protected classes. Granting  
11 this proposed student organization would be in direct violation of this regulation.

12 121. On October 20, 2005, Mr. Stokes received an email from Dr. Evette Castillo  
13 offering to set a meeting to discuss why ENCM-SDSU had been denied recognized status.

14 122. Mr. Stokes, along with other representatives of ENCM-SDSU, met with Dr.  
15 Castillo on October 26, 2005.

16 123. At this meeting, Dr. Castillo explained that 5 CA ADC § 41500 prohibits SDSU  
17 from recognizing student organizations that discriminate on the basis of certain categories,  
18 including religion.

19 124. Dr. Castillo said that other Christian groups receive recognized status because  
20 they do not explicitly state that members and officers must be Christian, and suggested that  
21 ENCM-SDSU could do the same and likely receive recognition.

22 125. Dr. Castillo said that ENCM-SDSU was denied recognized status because  
23 Article III, Section C of its constitution requires members to be Christians and to sign and abide  
24 by ENCM-SDSU’s Statement of Faith.

25 126. ENCM-SDSU cannot abandon its requirement that members and officers be  
26 Christians without violating its orthodox, Christian beliefs, and thus shortly after the meeting  
27 with Dr. Castillo Mr. Stokes sent an email to the Centers for Student Involvement disbanding  
28 Victory Campus Fellowship.

127. Presently, ENCM-SDSU is operating as an unrecognized student group, and has  
been denied access to all the benefits and privileges accorded to recognized groups, including  
access to a meeting space on campus.

1                   **Denial of Funding**

2                   128.    In March 2005, VCF sought funding through the Associated Students Council  
3 (“ASC”).

4                   129.    ENCM-SDSU formerly operated as VCF, and at the time VCF sought funding  
5 in 2005 it was a recognized student group.

6                   130.    VCF sought funding to cover the travel expenses for several of its members to  
7 attend a national conference hosted by Victory Campus Ministries.

8                   131.    The ASC finance board denied VCF’s funding request based on San Diego  
9 State’s and the ASC’s policy forbidding the use of Associated Students funds to pay for the  
10 religious expression of student organizations.

11                   **ADX**

12                   **Theological Commitments**

13                   132.    The National Fraternity of Alpha Delta Chi is a national women’s Christian  
14 fraternal organization composed of local chapters at numerous universities across the nation.

15                   133.    The national organization’s purposes include strengthening the Christian  
16 spiritual lives and testimonies of its members resulting in service and outreach to others,  
17 promoting high scholastic standing among its members, and providing fellowship among  
18 university students living a Christian lifestyle and active in Christ’s service.

19                   134.    Plaintiff Alpha Delta Chi-Delta Chapter (“ADX”) is the local chapter of the  
20 national organization at San Diego State.

21                   135.    ADX is governed by the constitution of the national organization, and by local  
22 bylaws.

23                   136.    ADX’s bylaws state its purposes as providing Christian social fellowship among  
24 San Diego State women, promoting high scholastic standards among its members, and  
25 promoting self-discipline and knowledge in areas of Christian growth, finances, relationships,  
26 and group functions.

27                   137.    ADX derives each of these goals from the religious beliefs of its members.

28                   138.    ADX’s constitution and bylaws contain thirteen membership requirements,

1 including:

- 2 a. personal acceptance of Jesus Christ as Savior and Lord;
- 3 b. active participation in Christian service;
- 4 c. regular attendance or membership in an evangelical church;
- 5 d. interest in leading others to Christ;
- 6 e. willingness to avoid situations which would cause one's sister or brother
- 7 to stumble;
- 8 f. willingness to abstain from sexual relations until marriage;
- 9 g. willingness to abstain from alcohol in circumstances where the Christian
- 10 witness would be adversely affected.

11 139. ADX's local bylaws state that to be eligible for an elective office, candidates  
12 must have an "[a]ctive commitment to Jesus Christ as Lord and Savior."

13 140. ADX expects its members and officers to be representatives of ADX and of their  
14 Lord and Savior, Jesus Christ, at all times on campus.

15 141. Members and officers of ADX routinely interact with the campus community,  
16 and are expected to uphold the religious beliefs and viewpoints and model the standards of  
17 conduct of ADX in these interactions.

18 142. ADX promotes the Christian Gospel message on campus by various means,  
19 including outreach efforts to non-Christian sorority members, inviting non-Christians to ADX  
20 worship and devotional events, and one-on-one evangelism.

21 143. ADX believes that to achieve success in reaching its religiously-motivated  
22 purposes and goals it must require its members and officers to have a personal relationship with  
23 Jesus Christ and adhere to and follow Christian tenets of belief and standards of conduct.

24 144. It would be a contradiction of ADX's expressive and associational purpose to  
25 permit individuals who do not agree with and follow ADX's Christian tenets of belief and  
26 standards of conduct to serve as officers or members.

27 145. Permitting leadership and membership to those who do not agree with and  
28 follow ADX's Christian tenets of faith and standards of conduct would communicate a message

1 which ADX opposes.

2 146. ADX objects to the nondiscrimination policies of the Board of Trustees of the  
3 California State University and San Diego State, which would require it to open its membership  
4 and officer positions to all students regardless of religion, sexual orientation, or marital status.

5 147. ADX's objections to these nondiscrimination policies derive from its' members  
6 sincerely held religious beliefs.

7 148. ADX does not object to any of the other forms of discrimination prohibited by  
8 the policies of the Board of Trustees of the California State University and San Diego State.

9 149. Based on the Holy Scriptures, ADX believes that sexual conduct is inappropriate  
10 unless it takes place between a man and a woman within the marriage relationship.

11 150. Hence, ADX would exclude from membership, or revoke the membership or  
12 leadership position of, an individual who unrepentantly engages in sexual conduct, whether  
13 heterosexual or homosexual, outside of the marriage relationship.

14 151. Based on the Holy Scriptures, ADX believes that God created people male and  
15 female, and with a normative sexual drive for the opposite sex. Thus, ADX rejects the  
16 viewpoint that people are created homosexual, and would exclude from membership, or revoke  
17 the membership or leadership position of, an individual who unrepentantly believes they were  
18 created homosexual, or unrepentantly advocates the viewpoint that homosexuality is a natural  
19 part of God's created order.

20 152. Based on the Holy Scriptures, ADX recognizes marriage as being only between  
21 one man and one woman. To the extent "marital status," as used in the Defendants'  
22 nondiscrimination policies, contemplates relationships beyond that of one man and one woman  
23 in holy matrimony, ADX cannot comply with that provision without violating its Christian  
24 beliefs.

25 153. Because of its sincerely held religious beliefs, ADX objects to communicating a  
26 university-imposed ideological message in its organizational documents of acceptance or  
27 approval of alternative religious beliefs, of alternative views on sexuality and the practice  
28 thereof, and of conduct that undermines the Christian message it advocates and lifestyle it

1 models on campus.

2 **Denial of Recognition**

3 154. On approximately August 10, 2005, Melissa Travis, president of ADX,  
4 submitted a “Student Organizations On-Campus Recognition Application” and a copy of  
5 ADX’s constitution and bylaws for the purpose of receiving official recognition.

6 155. On September 26, 2005, Defendant Doug Case sent Ms. Travis a letter denying  
7 ADX official recognition.

8 156. Mr. Case’s letter stated that ADX’s requirement that members and officers have  
9 a personal commitment to Jesus Christ as Lord and Savior “conflict with the requirement that  
10 on-campus organizations not discriminate in membership or membership privileges on the  
11 basis of religion.”

12 157. Further, the letter stated that regulation 5 CA ADC § 41500 prohibits the Center  
13 for Fraternity and Sorority Life from granting recognition “to a fraternity or sorority that  
14 requires members and/or officers to profess a specific religious belief. Accordingly, we must  
15 deny your application.”

16 158. Mr. Case concluded his letter by listing the benefits and rights ADX loses as a  
17 result of not being a recognized group:

18 Organizations without on-campus status may not use the name of the University,  
19 may not meet on campus and reserve University facilities free or at reduced  
20 rates, may not engage in fund raising on campus, may not post signs in areas  
21 reserved for organizations with on-campus status, and may not receive other  
privileges of on-campus status as defined in the SDSU Student Organization  
Handbook.

22 159. ADX has sought recognition numerous times since reestablishing its chapter at  
23 San Diego State in 1996, and has been denied recognition each time for the same reasons stated  
24 in Mr. Case’s September 26, 2005 letter.

25 **AGO**

26 **Theological Commitments**

27 160. Alpha Gamma Omega Fraternity is a national men’s Christian fraternal  
28 organization.

1           161.    The Epsilon Chapter of Alpha Gamma Omega Fraternity (“AGO”) is the local  
2 chapter of the national organization at San Diego State University.

3           162.    The local chapters of Alpha Gamma Omega Fraternity are bound by the  
4 constitution of the national organization.

5           163.    The local chapters are permitted to adopt bylaws not inconsistent with the  
6 national constitution. AGO has adopted such bylaws.

7           164.    The purposes of the Alpha Gamma Omega Fraternity and of its local chapters  
8 are to:

- 9                   a.     win others to a saving knowledge of Jesus Christ;
- 10                   b.    promote Christian fellowship;
- 11                   c.    present Christian ideals in word and deed;
- 12                   d.    search reverently for the truth;
- 13                   e.    uphold the traditions and ideals of the university, and;
- 14                   f.    deepen the spiritual lives of the members.

15           165.    AGO believes that to achieve these religiously-motivated purposes, it must  
16 require its officers to adhere to and follow a Christian statement of faith, Christian tenets of  
17 belief, and Christian standards of conduct.

18           166.    AGO believes that to preserve itself as a Christ-centered fraternity, each chapter  
19 must have Christian leadership dedicated to godliness.

20           167.    To this end, AGO requires its officers to submit a “Personal Statement of Faith  
21 and Practice,” which requires the aspiring officer to provide a written statement of his Christian  
22 beliefs and experiences and to sign the Statement of Faith of AGO.

23           168.    The “Personal Statement of Faith and Practice” must include the aspiring  
24 officer’s views on Jesus Christ, the Bible, the Christian Church, and eternity.

25           169.    It also must include the aspiring officer’s personal Christian testimony, current  
26 spiritual life practices, level of involvement in a local church, efforts at evangelism, and views  
27 on spiritual leadership.

28           170.    AGO’s Statement of Faith is as follows:



1 I hereby publicly confess my belief in the Lord Jesus Christ as God and only  
2 Savior and give witness to the regenerating power of the Holy Spirit in my life.  
3 I will make it a purpose of my life to continue in fellowship with God through  
prayer and reading of the Holy Scriptures.

4 171. To be eligible for an AGO officer position, an aspiring officer's "Personal  
5 Statement of Faith and Practice" must be approved by the local chapter's Chapter Advisor and  
6 the national Credentials and Elections Committee.

7 172. The Chapter Advisor and the Credentials and Elections Committee will only  
8 approve candidates for office whose "Personal Statement of Faith and Practice" is consistent  
9 with orthodox Christian beliefs.

10 173. AGO expects its officers to uphold the Christian beliefs, viewpoints, and  
11 standards of conduct of AGO at all times on campus.

12 174. Officers of AGO are expected to live, before their local chapter and the world,  
13 lives which place Jesus Christ at their center, thereby setting an example for others to follow.

14 175. All active members of AGO are expected to live their lives according to the  
15 Christian standards of conduct of AGO.

16 176. AGO promotes its religious beliefs and viewpoints and the Christian Gospel  
17 message on campus by various means, including outreach efforts to non-Christian fraternity  
18 members, inviting non-Christians to AGO events, and one-on-one evangelism.

19 177. It would be a contradiction of AGO's expressive and associational purpose to  
20 permit individuals who do not agree with and follow AGO's Christian tenets of belief and  
21 standards of conduct to serve as officers.

22 178. Extending leadership positions to those who do not agree with and follow  
23 AGO's Christian tenets of faith and standards of conduct would communicate a message which  
24 AGO opposes.

25 179. AGO objects to the nondiscrimination policies of the Board of Trustees of the  
26 California State University and San Diego State, which would require it to open its officer  
27 positions to all students regardless of religion, sexual orientation, or marital status.

28 180. AGO's objections to these nondiscrimination policies derive from its' members

1 sincerely held religious beliefs.

2 181. AGO does not object to any of the other forms of discrimination prohibited by  
3 the policies of the Board of Trustees of the California State University and San Diego State.

4 182. AGO's constitution states that "[t]he moral standards of members as individuals  
5 and chapters as groups shall at all times be consistent with our Statement of Faith as  
6 Christians."

7 183. As a Christian organization, and in accordance with its Statement of Faith, AGO  
8 derives its standards of conduct from the Holy Scriptures.

9 184. Based on the Holy Scriptures, AGO believes that sexual conduct is inappropriate  
10 unless it takes place between a man and a woman within the marriage relationship.

11 185. Hence, AGO would exclude from membership, or revoke the membership or  
12 leadership position of, an individual who unrepentantly engages in sexual conduct, whether  
13 heterosexual or homosexual, outside of the marriage relationship.

14 186. Based on the Holy Scriptures, AGO believes that God created people male and  
15 female, and with a normative sexual drive for the opposite sex. Thus, AGO rejects the  
16 viewpoint that people are created homosexual, and would exclude from membership, or revoke  
17 the membership or leadership position of, an individual who unrepentantly believes they were  
18 created homosexual, or unrepentantly advocates the viewpoint that homosexuality is a natural  
19 part of God's created order.

20 187. Based on the Holy Scriptures, AGO recognizes marriage as being only between  
21 one man and one woman. To the extent "marital status," as used in the Defendants'  
22 nondiscrimination policies, contemplates relationships beyond that of one man and one woman  
23 in holy matrimony, AGO cannot comply with that provision without violating its Christian  
24 beliefs.

25 188. Because of its sincerely held religious beliefs, AGO objects to communicating a  
26 university-imposed ideological message in its organizational documents of acceptance or  
27 approval of alternative religious beliefs, of alternative views on sexuality and the practice  
28 thereof, and of conduct that undermines the Christian message it advocates and lifestyle it

1 models on campus.

2 **Denial of Recognition**

3 189. AGO most recently sought official recognition at San Diego State in the fall  
4 semester of 2004.

5 190. AGO submitted the required documents for recognition and its constitution and  
6 bylaws to the Center for Fraternity and Sorority Life.

7 191. Defendant Douglas Case, Coordinator of Fraternity and Sorority Life, denied  
8 recognition to AGO because it requires its officers to be Christians and sign and abide by the  
9 Statement of Faith of AGO.

10 192. AGO has sought recognition numerous times since reestablishing its chapter at  
11 San Diego State in 1979, and has been denied recognition each time because it requires its  
12 officers to be Christians and sign and abide by AGO's Statement of Faith.

13 **ENCM-LB**

14 **Theological Commitments**

15 193. Plaintiff ENCM-LB is an unincorporated student organization at Long Beach  
16 State.

17 194. ENCM-LB is an affiliated student chapter of Every Nation Campus Ministries,  
18 the student arm of Every Nation Ministries, Inc., a non-profit corporation with its principal  
19 offices in Los Angeles, CA.

20 195. The student chapters of ENCM are bound and governed by the Statement of  
21 Faith, policies, and guidelines of ENCM, and are local extensions of ENCM.

22 196. ENCM recently changed its name from Victory Campus Ministries.

23 197. Pursuant to the organization changing its name to ENCM, it circulated a new  
24 student chapter constitution to its affiliated student chapters in July 2005.

25 198. ENCM instructed the leaders of its student chapters to turn in the new  
26 constitution when registering as university student organizations at the beginning of the 2005  
27 school year.

28 199. On approximately August 15, 2005, Haley Hawthorne, the President of ENCM-

1 LB, submitted the new constitution and bylaws of ENCM-LB for the purpose of receiving  
2 official recognition as a student organization.

3 200. ENCM-LB's constitution provides that the student group is committed to:

- 4 • Sharing the knowledge of life in Christ Jesus with the LB community;
- 5 • Helping people in their relationship with Jesus Christ and providing them  
6 with training for victorious Christian living, leadership, and excellence;
- 7 • Introducing its members to a local church family and other missions or  
8 ministry opportunities;
- 9 • Making a positive impact on the LB campus by developing students,  
10 equipped with biblical solutions to contemporary problems, to serve  
11 every facet of the LB community and ultimately the world.

12 201. Any student is welcome to participate in ENCM-LB meetings and other  
13 activities, regardless of religion, sexual orientation, marital status, or membership or non-  
14 membership in any other protected class.

15 202. ENCM-LB expects its members and officers to be representatives of ENCM-LB  
16 and of their Lord and Savior, Jesus Christ, at all times on campus.

17 203. Members and officers of ENCM-LB routinely interact with the campus  
18 community, and are expected to uphold the religious beliefs and viewpoints and model the  
19 standards of conduct of ENCM-LB in these interactions.

20 204. ENCM-LB promotes the Christian Gospel message on campus through various  
21 means, including outreach efforts to non-Christian students, inviting non-Christians to attend  
22 ENCM-LB Bible studies and events, and one-on-one evangelism.

23 205. ENCM-LB believes that to succeed in promoting its views of the Christian faith  
24 and Gospel message on Long Beach State's campus, it must require its members and officers to  
25 adhere to and follow a Christian statement of faith, Christian tenets of belief, and Christian  
26 standards of conduct.

27 206. Therefore, ENCM-LB's constitution states that its members must be "Christians  
28 who have professed their faith in the Lord Jesus Christ as defined by the Statement of Faith and  
who strive to live according to the tenets of the Bible."

207. Similarly, ENCM-LB's constitution states that its officers must "have professed  
their faith in the Lord Jesus Christ as defined by the Statement of Faith and live according to

1 the tenets of the Bible as explained by the Statement of Faith.”

2 208. Each member and officer must sign an oath, stating that they “have read, am in  
3 agreement with, and believe to be true, the Statement of Faith of Every Nation Campus  
4 Ministries,” and promising to “strive to uphold godly Christian character and conduct.”

5 209. ENCM-LB’s Statement of Faith is as follows:

6 We believe...

7 The Bible to be the inspired, the only infallible, authoritative Word of  
8 God.

9 We believe...

10 There is one eternal, almighty and perfect God: Father, Son and Holy  
11 Spirit.

12 We believe...

13 In the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life,  
14 in His miracles, in His vicarious and atoning death through His shed  
15 blood, in His bodily resurrection, in His ascension to the right hand of the  
16 Father, and in His personal return in power and glory.

17 We believe...

18 That for the salvation of lost and sinful man, regeneration by the Holy  
19 Spirit is essential.

20 We believe...

21 In the present ministry of the Holy Spirit by whose indwelling the  
22 Christian is enabled to live a godly life.

23 We believe...

24 In the resurrection of both the saved and the lost; they that are saved unto  
25 the resurrection of life, and they that are lost unto the resurrection of  
26 damnation.

27 We believe...

28 In the spiritual unity of believers in our Lord Jesus Christ.

210. ENCM-LB’s constitution contains the following non-exhaustive list of actions  
which would violate ENCM-LB’s Statement of Faith and its standards of Christian conduct for  
its members and officers: “failure to perform duties, non-attendance, misuse of funds, historical  
Christian heresy, engaging in sexual activity outside the bounds of marriage, etc.”

211. An officer of ENCM-LB can be removed or membership in ENCM-LB revoked  
for conduct that violates Biblical standards of morality or for a violation of the Statement of  
Faith.

212. On October 21, 2005, Brett Holman, national director of ENCM, sent an email  
to all ENCM affiliated student groups regarding sexual morality standards and membership in

1 ENCM.

2 213. Attached to Mr. Holman's email was a document entitled "Statement on Sexual  
3 Morality Standards."

4 214. This Statement communicated ENCM's position on sexual morality and how  
5 that position relates to membership and leadership in student chapters.

6 215. ENCM-LB is bound by this Statement.

7 216. The Statement explains that sexual conduct is appropriate only when it takes  
8 place between a man and woman within the marriage relationship. Hence, individuals who  
9 advocate the propriety of sex outside the bounds of marriage, whether heterosexual or  
10 homosexual, or unrepentantly engage in such sex acts, whether heterosexual or homosexual,  
11 are not permitted to be members or officers of ENCM-LB.

12 217. The Statement further explains that same-sex attraction is not in accordance with  
13 God's original design and intention. ENCM believes that God created male and female, with a  
14 normative sexual inclination toward persons of the opposite sex. Therefore, individuals who  
15 believe they are innately homosexual, or advocate the viewpoint that homosexuality is a natural  
16 part of God's created order, are not permitted to be members or officers of ENCM-LB.

17 218. An individual who may have engaged in homosexual conduct in the past but has  
18 genuinely repented of that conduct would not be prevented from becoming a member or  
19 serving as an officer of ENCM-LB based on that past conduct.

20 219. Based on its Statement of Faith and Statement on Sexual Morality Standards,  
21 ENCM-LB recognizes marriage as being only between one man and one woman. To the extent  
22 "marital status," as used in the Defendants' nondiscrimination policies, contemplates  
23 relationships beyond that of one man and one woman in holy matrimony, ENCM-LB cannot  
24 comply with that term without violating its religious beliefs and rights of conscience.

25 220. It would contradict Plaintiffs' expressive and associational purpose to permit  
26 individuals who do not agree with and follow ENCM-LB's Statement of Faith, tenets of belief,  
27 and Christian standards of conduct to be members or serve as officers.

28 221. Permitting leadership and membership to those who do not agree with and

1 follow ENCM-LB's Statement of Faith, tenets of belief, and Christian standards of conduct  
2 would dilute or destroy the Christian message which ENCM-LB provides.

3 222. Because of its sincerely held religious beliefs, ENCM-LB objects to the  
4 nondiscrimination policies of the Board of Trustees of the California State University and Long  
5 Beach State, which require ENCM-LB to open its membership and leadership to all students  
6 regardless of religion, sexual orientation, and marital status.

7 223. ENCM-LB does not object to any of the other forms of discrimination  
8 prohibited by the policies of the Board of Trustees of the California State University and Long  
9 Beach State.

10 224. Because of its sincerely held religious beliefs, ENCM-LB objects to  
11 communicating a university-imposed ideological message in its organizational documents of  
12 acceptance or approval of alternative religious beliefs, of alternative views on sexuality and the  
13 practice thereof, and of conduct that undermines the Christian message it advocates and  
14 lifestyle it models on campus.

15 **Denial of Recognition**

16 225. Between 1999 and the fall 2005 semester, ENCM-LB was a recognized student  
17 organization under the name Victory Campus Fellowship, and enjoyed access to all the rights  
18 and privileges pertaining thereto.

19 226. On approximately August 15, 2005, Haley Hawthorne, as President of Victory  
20 Campus Fellowship at Long Beach State, submitted a letter to the Office of Student Life and  
21 Development explaining that her group had changed its name to Every Nation Campus  
22 Ministries at Long Beach State University.

23 227. Ms. Hawthorne attached the new constitution and bylaws for ENCM-LB to her  
24 August 15 letter for the purpose of receiving official recognition as a student organization.

25 228. On approximately August 25, 2005, Ms. Hawthorne had a meeting with  
26 Defendant Jeffrey Klaus regarding problems he had identified in the ENCM-LB constitution  
27 and bylaws.

28 229. At this meeting, Mr. Klaus informed Ms. Hawthorne that ENCM-LB's

1 constitution and bylaws violated Long Beach State’s nondiscrimination policy because they  
2 required members and officers to be Christians, and because the group’s nondiscrimination  
3 provision did not include the term “sexual orientation.”

4 230. Mr. Klaus provided Ms. Hawthorne a copy of the constitution and bylaws  
5 containing his edit marks.

6 231. Ms. Hawthorne changed ENCM-LB’s constitution and bylaws based on Mr.  
7 Klaus’s suggestions, to the extent such changes could be made without violating ENCM-LB’s  
8 religious beliefs, and resubmitted the documents in mid-September with a cover letter  
9 explaining the changes she made and the changes she refused to make to the constitution and  
10 bylaws.

11 232. In this letter, Ms. Hawthorne explained that ENCM-LB could not relinquish its  
12 requirement that members and officers sign and abide by its Statement of Faith because “[w]e  
13 are a Christian organization and believe that we have the right to determine our own  
14 membership and leadership.”

15 233. Ms. Hawthorne also explained that ENCM-LB would retain its requirement that  
16 members and officers not engage in sexual conduct outside the bounds of marriage.

17 234. On October 4, 2005, Ms. Hawthorne received an email from Mr. Klaus outlining  
18 additional changes that needed to be made to the documents.

19 235. Because none of the requested revisions undercut ENCM-LB’s religious beliefs,  
20 Ms. Hawthorne revised the constitution and bylaws according to Mr. Klaus’s suggestions and  
21 resubmitted them to Mr. Klaus via email on November 1, 2005.

22 236. On November 3, 2005, Mr. Klaus emailed Ms. Hawthorne with additional  
23 revisions that needed to be made.

24 237. In this email, Mr. Klaus informed Ms. Hawthorne “[i]f you are unwilling to  
25 make the changes in your nondiscrimination clause to include religion and sexual orientation, I  
26 will not be able to approve your Constitution and Bylaws. I cannot recognize an organization  
27 who [sic] plans to discriminate based on a students religion and/or sexual orientation.”

28 238. Ms. Hawthorne received an email from Mr. Klaus on November 7, 2005,



1 inquiring if she wanted to meet to discuss the status of ENCM-LB, stating “I just want there to  
2 be clarity.”

3 239. On November 8, 2005, Ms. Hawthorne replied by email, stating:

4 Things seem very clear. Your Nov 3 email made it clear that the university will  
5 not recognize our organization if we will not include the terms ‘religion’ and  
6 ‘sexual orientation’ in our non-discrimination clause. At the same time, I made  
7 it clear in a previous email that our group refuses to include these terms because  
8 doing so would violate our religious beliefs. As I explained previously, we are a  
9 Christian organization and believe that we have the right to determine who can  
10 be members and leaders in our group. As a result of our irreconcilable positions,  
11 we view your Nov 3 email as a final denial of recognized status for our student  
12 group. We are simply unwilling to forgo our religious beliefs and make the  
13 changes to our non-discrimination clause that the university requires.

14 240. Ms. Hawthorne also informed Mr. Klaus that ENCM-LB had no objections to  
15 the other revisions Mr. Klaus had recommended.

16 241. Finally, Ms. Hawthorne informed Mr. Klaus in her November 8 email that she  
17 was disbanding Victory Campus Fellowship and that her group would no longer be operating  
18 under that group’s constitution.

19 242. Seeking to comply with university policies, which prohibit un-recognized  
20 groups access to the services, facilities, and benefits afforded to recognized groups, ENCM-LB  
21 has discontinued use of a lecture hall for its weekly Bible meetings that it had reserved for the  
22 entire semester as Victory Campus Fellowship.

23 **III. PLAINTIFFS’ DESIRE NOT TO COMMUNICATE GOVERNMENT-DICTATED MESSAGES**

24 243. The Plaintiffs adhere to and advocate Christian beliefs and viewpoints which  
25 they believe are divinely-mandated, universally applicable theological and ethical propositions.

26 244. Plaintiffs seek to maintain fidelity to these beliefs and viewpoints in their public  
27 as well as private expressions.

28 245. The policies of the Board of Trustees of the California State University, of Long  
Beach State, and of San Diego State, compel the Plaintiffs to send a message regarding  
nondiscrimination that is contrary to their Christian beliefs.

246. Board of Trustees regulation 5 CA ADC § 41503 compels the president or  
similar officer of each recognized student organization to provide university officials a signed

1 statement attesting “that the organization has no rules or policies which discriminate on the  
2 basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship,  
3 sexual orientation, or disability.”

4 247. San Diego State requires the president of each recognized student group to sign  
5 a document, on a yearly basis, certifying that the organization will abide by the university’s  
6 policies on nondiscrimination.

7 248. Further, San Diego State policy compels every recognized student group to  
8 include the language of the university’s nondiscrimination policy in its bylaws.

9 249. Long Beach State requires the president of each recognized student group to  
10 sign a document, on a yearly basis, certifying that the organization will abide by the  
11 university’s policies on nondiscrimination.

12 250. In denying recognition to ENCM-LB, Jeffrey Klaus, Director of Student Life  
13 and Development at Long Beach State, informed the president of ENCM-LB that the  
14 nondiscrimination clause in the group’s constitution must include the terms “religion” and  
15 “sexual orientation” for ENCM-LB to receive recognized status.

16 251. Mr. Klaus provided Ms. Hawthorne a version of ENCM-LB’s constitution that  
17 he had edited with Microsoft Word’s “track changes” function in which he added the terms  
18 “religion” and “sexual orientation” to ENCM-LB’s nondiscrimination clause.

19 252. The documents in which Defendants require student organizations to provide  
20 written assent to their nondiscrimination policies are available to the public upon request.

21 253. Student group constitutions, bylaws, and applications for official recognition are  
22 kept on file by Long Beach and San Diego State universities and available for review by any  
23 member of the public.

24 254. Many of the faculty, staff, and students of Long Beach and San Diego State as  
25 well as other individuals are aware both of the content of the Defendants’ nondiscrimination  
26 policies, and that officially recognized student groups are those that have signed assent to the  
27 nondiscrimination policy and/or have included in their organization governing documents an  
28 announcement of nondiscrimination according to the terms of the Defendants’ policies.



1 **CLAIMS FOR RELIEF**

2 **FIRST CLAIM: VIOLATION OF THE RIGHT TO EXPRESSIVE ASSOCIATION UNDER THE FIRST**  
3 **AMENDMENT OF THE UNITED STATES CONSTITUTION**

4 261. The allegations contained in all preceding paragraphs are realleged and  
5 incorporated herein by reference.

6 262. The First Amendment of the United States Constitution, incorporated and made  
7 applicable to the states by the Fourteenth Amendment to the United States Constitution,  
8 recognizes and protects the right to expressive association.

9 263. The plaintiff student organizations are expressive associations whose ability to  
10 advocate their Christian message and viewpoints on campus would be significantly affected if  
11 forced to accept as members and/or officers individuals who do not agree with their Christian  
12 tenets of belief and standards of conduct.

13 264. The Defendants' nondiscrimination policies violate the plaintiff student groups'  
14 right to association by compelling them to accept as members and officers individuals who do  
15 not agree with their Christian tenets of belief and standards of conduct to receive official  
16 University recognition, and the rights, benefits, and privileges attendant thereto, including  
17 access to the primary means of communicating its message and viewpoints on campus.

18 265. Further, Defendants violated the plaintiff student groups' right to association by  
19 denying them status as registered student organizations and the rights, privileges, and benefits  
20 attendant thereto, based solely on the groups' exclusionary membership and leadership policies.

21 266. The Defendants have no compelling reason that would justify the burden  
22 imposed upon the plaintiff student groups' right to association.

23 267. Defendants' nondiscrimination policies forbidding officially-recognized student  
24 organizations to discriminate on the basis of religion, sexual orientation, and marital status  
25 violate the right to association of all student groups that exercise that right by selecting  
26 members and officers based on their religious beliefs, sexual orientation, and marital status, and  
27 thus is facially invalid under the First and Fourteenth Amendments to the United States  
28 Constitution.

268. WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set

1 forth hereinafter in the prayer for relief.

2 **SECOND CLAIM: VIOLATION OF THE FREEDOM OF SPEECH CLAUSE OF THE FIRST**  
3 **AMENDMENT OF THE UNITED STATES CONSTITUTION**

4 269. The allegations contained in all preceding paragraphs are realleged and  
5 incorporated herein by reference.

6 270. The Defendants' nondiscrimination policies violate Plaintiffs' right to freedom  
7 of speech by allowing all student organizations to require members and officers to agree with  
8 their beliefs and purposes, except religious groups.

9 271. The Defendants' nondiscrimination policies violate Plaintiffs' right to freedom  
10 of speech by conditioning the rights, benefits, and privileges attendant to university recognition  
11 on Plaintiffs' willingness to communicate a message with which they disagree in their  
12 organizational documents and through signed assent in other public documents.

13 272. The Defendants' nondiscrimination policies do not compel nonreligious student  
14 clubs to express a message with which they disagree to receive official recognition and the  
15 rights, benefits, and privileges attendant thereto.

16 273. San Diego State's policy and practice of prohibiting the use of Associated  
17 Students funds to pay for religious expression is an impermissible viewpoint-based and  
18 content-based restriction of constitutionally protected expression, and vests unbridled discretion  
19 in the ASC to restrict constitutionally protected speech.

20 274. Defendants' discriminatory treatment of Plaintiffs' speech constitutes a  
21 viewpoint-based restriction and a content-based exclusion.

22 275. By discriminating against the viewpoint and content of Plaintiffs' speech, the  
23 Defendants have violated and continue to violate Plaintiffs' right to the freedom of speech  
24 under the First Amendment.

25 276. The Defendants have no compelling reason that would justify the burden  
26 imposed upon the Plaintiffs' speech.

27 277. WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set  
28 forth hereinafter in the prayer for relief.

1 **THIRD CLAIM: VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT OF**  
2 **THE UNITED STATES CONSTITUTION**

3 278. The allegations contained in all preceding paragraphs are realleged and  
4 incorporated herein by reference.

5 279. Defendants' nondiscrimination policies target religious student groups for  
6 discriminatory treatment and therefore are neither facially neutral nor generally applicable in  
7 respect to religion.

8 280. Defendants' nondiscrimination policies are not generally applicable because  
9 they exempt numerous student organizations and athletic teams from the prohibition on gender-  
10 based discrimination, thus undermining the purpose of the nondiscrimination policies, without  
11 providing a similar exemption for religious conduct that violates the nondiscrimination policies.

12 281. The text of each plaintiff student organizations' constitution and/or bylaws, its  
13 Statement of Faith, and standards of Christian conduct are informed and motivated by the  
14 sincerely held religious beliefs of the members of each organization.

15 282. The Defendants' nondiscrimination policies and enforcement thereof  
16 substantially burden Plaintiffs' religious beliefs and expression.

17 283. The Defendants have no compelling reason that would justify the burden  
18 imposed upon the free exercise of religion of the Plaintiffs.

19 284. WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set  
20 forth hereinafter in the prayer for relief.

21 **FOURTH CLAIM: VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH**  
22 **AMENDMENT OF THE UNITED STATES CONSTITUTION**

23 285. The allegations contained in all preceding paragraphs are realleged and  
24 incorporated herein by reference.

25 286. The Equal Protection Clause of the Fourteenth Amendment requires that  
26 government actors treat equally all persons similarly-situated.

27 287. Defendants denied recognized status to the plaintiff student groups, and the  
28 rights, benefits, and privileges attendant thereto, based upon the plaintiff student organizations'  
requirement that their members and/or officers be Christians who affirm their Christian tenets

1 of belief and endeavor to live according to their Christian standards of conduct.

2 288. Defendants grant recognized status to similarly-situated nonreligious student  
3 groups without regard to whether they require their members and/or officers to affirm the  
4 group's beliefs and purposes, or abide by the group's standards of conduct.

5 289. In so doing, the Defendants have treated the plaintiff student groups differently  
6 than similarly-situated student groups.

7 290. San Diego State's policy and practice of denying funding to pay for the religious  
8 expression and activities of student groups, while permitting funding for similar non-religious  
9 expression and activities of student groups, violate the requirement of equal protection of the  
10 laws.

11 291. Defendants' disparate treatment of the plaintiff student groups affects the  
12 exercise of their fundamental rights to free association, free speech, and free exercise of  
13 religion.

14 292. Defendants have no compelling reason that would justify their disparate  
15 treatment of the plaintiff student groups.

16 293. Defendants' policies and practices therefore violate the Equal Protection Clause  
17 of the Fourteenth Amendment to the United States Constitution.

18 294. WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set  
19 forth hereinafter in the prayer for relief.

20 **FIFTH CLAIM: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT**  
21 **OF THE UNITED STATES CONSTITUTION**

22 295. The allegations contained in all preceding paragraphs are realleged and  
23 incorporated herein by reference.

24 296. Defendants' nondiscrimination policies are vague, such that the policy fails to  
25 provide persons of ordinary intelligence a reasonable opportunity to understand what conduct  
26 they prohibit, and they authorize and encourage arbitrary and discriminatory enforcement by  
27 Defendants.

28 297. The terms "sexual orientation" and "marital status," as used in Defendants'  
nondiscrimination policies, are inherently vague and capable of multiple definitions, and thus

1 do not place Plaintiffs on notice of what conduct would violate the nondiscrimination policies.

2 298. WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set  
3 forth hereinafter in the prayer for relief.

4 **PRAYER FOR RELIEF**

5 Plaintiffs respectfully request the following relief:

6 A. Adjudge, decree and declare the rights and other legal relations of the parties to  
7 the subject matter in controversy in order that such declarations shall have the force and effect  
8 of final judgment and that the Court retain jurisdiction of this matter for the purpose of  
9 enforcing the Court's Orders;

10 B. Pursuant to 28 U.S.C. § 2201, declare that Defendants' past enforcement against  
11 the plaintiff student groups of Defendants' nondiscrimination policies was unconstitutional and  
12 violated the Plaintiffs' rights guaranteed under the First and Fourteenth Amendments to the  
13 United States Constitution;

14 C. Pursuant to 28 U.S.C. § 2201, declare that Defendants' nondiscrimination  
15 policies violate on its face the First and Fourteenth Amendments to the United States;

16 D. Pursuant to 28 U.S.C. § 2202, Fed. R. Civ. P. 65, and 42 U.S.C. § 1983,  
17 preliminarily and permanently enjoin Defendants, their agents, officials, servants, employees,  
18 and any other persons acting in their behalf, from enforcing against Plaintiffs the  
19 unconstitutional portions of their nondiscrimination policies which infringe Plaintiffs' rights to  
20 the freedom of speech, freedom of association, free exercise of religion, equal protection of the  
21 laws, and due process of law;

22 E. Pursuant to 28 U.S.C. § 2201, declare that San Diego State's policy and practice  
23 of prohibiting the use of ASC funds for religious expression violate the First and Fourteenth  
24 Amendments to the United States Constitution both facially and as applied;

25 F. Pursuant to 28 U.S.C. § 2202, Fed. R. Civ. P. 65, and 42 U.S.C. § 1983,  
26 preliminarily and permanently enjoin Defendants, their agents, officials, servants, employees,  
27 and any other persons acting in their behalf, from enforcing San Diego State's policy and  
28 practice of prohibiting the use of ASC funds for religious expression against Plaintiffs;



1 G. Award nominal damages to Plaintiffs to vindicate their constitutional rights  
2 which were violated by Defendants;

3 H. Pursuant to 42 U.S.C. § 1988 and other applicable law, award Plaintiffs their  
4 costs and expenses of this action, including reasonable attorneys' fees;

5 I. Grant such other and further relief as the Court deems equitable, just, and  
6 proper.

7 Respectfully submitted on this, the 28th day of November, 2005.

8 By: \_\_\_\_\_

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