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IN THE UNITED STATES DISTRICT COURT
FOR THE

1 JOSHUA T. BLEISCH*
IN Bar No. 35859-53
2 GABRIEL WALTERS*
DC Bar No. 1019272
3 FOUNDATION FOR INDIVIDUAL RIGHTS
AND EXPRESSION
4 700 Pennsylvania Avenue SE
Suite 340

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700 Pennsylvania Ave. SE, Suite 340
Washington, DC 20003
Tel: (215) 717-3473

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1 controversy by including a land acknowledgment statement in their syllabi, then
2 unconstitutionally discriminated against Professor Reges for swimming against the
3 current and offering a dissenting viewpoint. They did so by retaliating against him
4 through the creation of a "shadow" class section and subjecting him to a disciplinary
5 investigation under vague and overbroad university policies.

6 10. Specifically, Defendants alleged Reges violated various University
7 policies, including one that purports to ban any spe.24 0 0 0§908.1417 587.9868cm BT 0.0002o 0.2

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1 20. In addition to being an acclaimed teacher, Professor Reges has a long
2 history as an advocate for free speech, especially for the right to express dissenting
3 viewpoints. He has spoken publicly in local and national media about his struggle
4 with identity and mental health as a gay man in the 1970s and 1980s. And when he
5 was a professor at Stanford University in the early 1990s he publicly criticized the
6 War on Drugs. Stanford responded to this criticism by firing him.

7 21. At all times relevant to this Complaint, the University of Washington
8 employed Reges as a Principal Lecturer, or Teaching Professor, in the Allen School.

9 22. Professor Reges is suing in order to vindicate his constitutional rights.

10 Defendants

11 23. Defendant

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1 33. Professor Reges replied to the email stating he had been “thinking a lot
2 about land acknowledgments” and offering to organize a group discussion on the
3 topic. He also shared the land acknowledgment statement he intended to include in
4 his syllabus for his upcoming Winter quarter 2022 class: “I acknowledge that by the
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1 modified statements in their syllabi that were more consistent with the University's
2 recommended statement.

3 38. Director

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1 44. Director Balazinska did not provide Professor Reges any examples of
2 disruption to instruction in his class.

3 45. In fact, no actual disruption of Professor Reges's class occurred.
4 Professor Reges taught his first class of the Winter quarter on January 3, 2022,
5 without incident and continued to teach nearly 400 students through the end of the
6 quarter on March 18, 2022.

7 46. During the Winter 2022 quarter, Professor Reges also helped to mentor
8 a group of students who won a computer programming contest for the first time in
9 several years.

10
11 47. On January 7, 2022, Director Balazinska announced to all students in
12 Professor Reges's Computer Science and Engineering 143 class section that they
13 may switch into a new "shadow" class section, which would meet at the same time
14 as Professor Reges's class section.

15 48. The Allen School assigned a different professor to instruct this
16 "shadow" class section. During the Winter 2022 quarter, that professor instructed
17 the class using recorded lectures instead of live class sessions.

18 49. In a January 9, 2022, email to a news network, Director Balazinska
19 criticized Professor Reges's "invocation of Locke's labor theory of property" in his
20 syllabus on the asserted ground that it "dehumanizes and demeans Indigenous
21 people." Jason Rantz, *Rantz: UW administrator goes to war over Seattle professor's
22 hilarious land acknowledgment joke*, KTTH (Jan. 9, 2022), <https://mynorthwest.com>

1 the Allen School, in which he expressed his intent to again include his own version
2 of a land acknowledgment statement on his Spring quarter syllabus.

3 55. University administrators monitor the Allen School's "diversity-allies"
4 listserv and review incoming messages before they are distributed to recipients.

5 56. University administrators reviewed Professor Reges's February 23,
6 2022, email and allowed it to pass through to the Allen School's "diversity-allies"
7 listserv.

8 57. On March 2, 2022, Director Balazinska sent Professor Reges a notice
9 letter that called him to a meeting to discuss allegations that "may, if true,
10 constitute a violation of" several University policies, including University of
11 Washington Executive Order 31.

12 58. Executive Order 31 provides "the University retains the authority to
13 discipline or take appropriate corrective action for any conduct that is deemed
14 unacceptable or inappropriate, regardless of whether the conduct rises to the level
15 of unlawful discrimination, harassment, or retaliation."

16 59. Executive Order 31 applies to all members of the University of
17 Washington community, including academic personnel and students.

18 60. The notice letter cited three broad allegations against Reges,
19 ostensibly from University students, all relating to his land acknowledgment
20 statement. The letter cited: (1) Professor Reges's land acknowledgement statement;

1 student employee union that his actions violated their collective bargaining
2 agreement with the University.

3 61. On March 8, 2022, Professor Reges met with Defendants Director
4 Balazinska and Vice Director Dan Grossman.

5 62. During the March 8 meeting, Director Balazinska informed Professor
6 Reges of the allegations against him and that she expected faculty to "interact
7 respectfully" and create a "welcoming," "professional," and "positive" environment.

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1 67. On March 9, 2022, Director Balazinska provided Professor Reges with
2 a proposed resolution to the charges against him, which is the first step to resolving
3 alleged faculty policy violations under University of Washington Faculty Code 25-
4 71.B. The proposed resolution would have required

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1 78. On April 21, 2022, Dean Allbritton notified Professor Reges she
2 intended to proceed with formal charges against him.

3 79. Dean Allbritton also told Professor Reges she would convene a
4 committee to “look into this matter” under University Faculty Code Section 25-
5 71.D.3 and that she was in the process of selecting the members of the committee.

6 80. On May 19, 2022, Dean Allbritton told Professor Reges she was still
7 “in the process of assembling the committee.”

8 81. On June 9, 2022, Dean
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86. Professor Reges is scheduled to teach Computer Science and Engineering 143 again during the Fall 2022, Winter 2023, and Spring 2023 quarters. He is also scheduled to teach the C++ programming course for students who are not Computer Science majors during the Winter 2023 quarter. This is the lightest teaching load Professor Reges has ever been assigned.

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1 120. Defendants Balazinska, Grossman, and Allbritton are also
2 unconstitutionally taking adverse employment action against Professor Reges by
3 investigating him because his constitutionally protected land acknowledgment
4 statement allegedly violated a vague and overbroad University policy.

5 121. Professor Reges has no adequate legal, administrative, or other remedy
6 by which to prevent or minimize the continuing irreparable harm to his First
7 Amendment rights.

8 122. As a direct and proximate result of Defendants' actions as described
9 above, Professor Reges was deprived of his constitutional rights. As a result of
10 Defendants' violations of Plaintiff's First Amendment rights, which are irreparable
11 injuries *per se*, Professor Reges is entitled to injunctive relief, including but not
12 limited to mandating that Defendants cease their investigation into Professor Reges
13 for his protected speech.

14 123. Professor Reges is also entitled to a permanent injunction against
15 Defendants creating "shadow" class sections in retaliation for his protected
16 expression. Professor Reges is further entitled to a declaration that Defendants'
17 investigating

FOURTH CAUSE OF ACTION

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1 member who posted an “unacceptable” tweet criticizing the university president or
2 another official for their position on a public issue.

3 129. The policy’s legitimate sweep prohibits discrimination, harassment,
4 and retaliation, as properly defined by law, which are unprotected by the First
5 Amendment. See, e.g., *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 651 (1999)
6 (defining actionable harassment in the K-12 context as conduct that is “so severe,
7 *pervasive*, and *objectively* offensive, and that so undermines and

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1 138. Executive Order 31 does not define "unacceptable" or "inappropriate,"
2 and those terms do not carry with them any reasonably objective plain meaning.

3 139. Executive Order 31 is unconstitutional on its face because it is so
4 vague as to provide no basis for clear and consistent application.

5 140. For example, Director Balazinska could not even confirm that
6 Professor Reges could safely include the University's *own* land acknowledgment
7 statement on his syllabus because if students complain that could mean Professor
8 Reges violated the policy.

9 141.

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1 entitled to declaratory and injunctive relief declaring Executive Order 31
2 unconstitutional and enjoining its enforcement.

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G. A declaration that Executive Order 31 is unconstitutionally vague and overbroad;

H. Attorneys' fees and costs under 42 U.S.C. §

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