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October 10, 2011

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between Higher One and CVCC also resulted in repeated marketing contacts by Higher One to students. For example, according to Bechtol, CVCC and Higher One marketed Higher One checking accounts through emails to students such as one on September 19, 2011, which reportedly had the subject line “Want your refund? Activate your CVCC Onecard today” in all capital letters. Similarly, on September 28, 2011, according to Bechtol, he received a phone call “with an offer from Orchard Bank.”

In response to this unwanted solicitation, Bechtol wrote a comment on CVCC’s Facebook page: “Did anyone else get a bunch of credit card spam in their CVCC inbox today? So, did CVCC sell our names to banks, or did Higher One? I think we should register CVCC’s address with every porn site known to man. Anyone know any good viruses to send them?” He immediately added a second comment, “OK, maybe that would be a slight overreaction.”

On October 4, as Bechtol waited for his second class of the day to begin, he was pulled out of the

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