

IN THE DISTRICT OF DOUGLAS COUNTY, KANSAS
CIVIL COURT DEPARTMENT

LINNAEA RADLEY, in her personal capacity)
and in her capacity as a member and officer of)
SJP~KU,)

and)

MYA HOERSDIG, in her personal capacity)
and in her capacity as a member and officer of)
SJP~KU,)

and)

STUDENTS FOR JUSTICE IN PALESTINE,)
a student group registered at the University of)
Kansas,)

Plaintiffs,)

vs.)

THE UNIVERSITY OF KANSAS,)

Serve: 1450 Jayhawk Blvd., Lawrence KS 66045)

and)

TAMMARA DURHAM, Ed. D., Vice Provost for)
Student Affairs, in her individual and official)
capacities,)

and)

PHIL NEUMAN, in his individual and official)
capacities,)

and)

DOUGLAS A. GIROD, Chancellor, in his)
individual and official capacities,)

Defendants.)

Case No:

Chapter 60

Jury Trial Demanded

COMPLAINT

Plaintiffs Linnaea Radley and Mya Hoersdig (“Plaintiffs”), by and through their undersigned counsel, for their Complaint against Defendants, hereby state and allege as follows:

Nature of Action

This is an action for legal and equitable relief to address the violations and deprivation of Plaintiffs’ rights under federal law, the Constitution of the United States, specifically violations of the First and Fourteenth Amendments. Plaintiffs additionally bring a petition for judicial review of the Defendants’ decision to take disciplinary action and impose penalties against the Plaintiffs, where there had been no disruption caused, and where the Defendants chose to selectively apply The University of Kansas’ (“KU”) policies based upon viewpoint discrimination.

Parties

1. Plaintiff Radley is a resident of Kansas, and at all times relevant to the causes of action pleaded here, she has attended school at KU, and has been an officer and member of Plaintiff SJP~KU

2. Plaintiff Hoersdig is a Kansas resident, and at all times relevant to the causes of action pleaded here, she has attended school at the University of Kansas, and has been an officer and member of Plaintiff SJP~KU.

3. Defendant KU is a public university located in Douglas County, Kansas, and it has its own police department (“KUPD”) as well as a disciplinary office, Student Affairs.

4. KU is a political subdivision of the State of Kansas.

5. Defendant Girod is the chancellor of the University of Kansas, and he was directly involved in chilling the First Amendment freedoms of the Plaintiffs, including reinstituting disciplinary measures against the Plaintiffs after KU’s own university appeals panel found the measures unwarranted. He is sued in his individual and official capacities.

6. Defendant Durham is the vice provost for student affairs for KU, and she was directly involved in chilling the First Amendment freedoms of the Plaintiffs, including reinstituting disciplinary measures against the Plaintiffs after KU's own university appeals panel found the measures unwarranted. She is sued in her individual and official capacities.

7. Defendant Neuman works as a Senior Student Conduct Hearing Officer for KU in its Student Affairs office, and he was directly involved in chilling the First Amendment freedoms of the Plaintiffs, including imposing disciplinary measures against the Plaintiffs. He is sued in his individual and official capacities.

Jurisdiction and Venue

8. This Court has jurisdiction and is the exclusive venue for a Petition for Judicial Review. *See* KSA 77-609.

9. This Court has jurisdiction over Plaintiffs' claims as a court of general jurisdiction. *Undrey Engine & Pump Co. v. Eufaula Enterprises, Inc.*, 597 P.2d 246 (1979).

10. This Court has personal jurisdiction over all Defendants in this case because all parties are domiciled within the State of Kansas and all the events giving rise to the claims occurred in the State of Kansas.

11. Venue is proper in this Court under K.S.A. §50-638(b) because Defendants' conduct occurred in Douglas County, Kansas, Plaintiffs' injuries occurred in Douglas County, Kansas, and Defendants' principal place of business is based in Douglas County, Kansas.

The Clearly Established Right to Free Speech on Campus

12. "[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972).

13. "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." *Shelton v. Tucker*, 364 U. S. 479, 487 (1960).

14. "[S]chools have a strong interest in ensuring that future generations understand the workings in practice of the well-known aphorism, 'I disapprove of what you say, but I will defend to the death your right to say it.'" *Mahanoy Area School Dist. v. B. L.*, 594 U. S. 180, 190 (2021)); *id.*, at 210 (ALITO, J., concurring) ("Speech cannot be suppressed just because it expresses thoughts or sentiments that others find upsetting")

15. The First Amendment guarantees freedom of speech and applies to the states through the Due Process Clause of the Fourteenth Amendment. *See, e.g., Gitlow v. New York*, 268 U.S. 652, 666, (1925).

16. Students and teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Comm'y Sch. Dist.*, 393 U.S. 503, 506 (1969).

17. Private student speech is analyzed under the *Tinker* standard, which states that "a public school may not restrict private student expression unless the school reasonably forecasts it 'would materially and substantially interfere with the requirements of appropriate discipline in operation of the school,' or 'impinge upon the rights of other students.'" *Taylor v. Roswell Indep. Sch. Dist.*, 713 F.3d 25, 35-36 (10th Cir. 2013 (quoting *Tinker*, 393 U.S. at 505-06)).

18. An "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression,' and 'the mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint cannot justify the prohibition by school officials of a particular expression of opinion.'" *Thompson v. Ragland*, 23 F.4th 1252, 1258 (10th Cir. 2022) (quoting *Seamons v. Snow*, 84 F.3d 1226, 1237 (10th Cir. 1996)).

19. Plaintiffs' rights as to college students to speak out against war in Palestine in a traditional public forum free of retribution and free of restraint had been clearly established.

Facts

20. Plaintiffs were present during a peaceful demonstration in support of Palestinian people on Fraser Lawn on May 9, 2024. The protest was intended to express political speech, a core right protected by the First Amendment and the Kansas constitution.

21. On April 30, 2024, KU's Student Affairs office had begun monitoring the social media of members of KU~SJP and preparing a response plan to any protests.

22. On the morning of May 1, 2024, KU SJP members engaged in a demonstration on Fraser lawn, at which KU Student Affairs and KUPD officers were present, as well as another student group engaged in protest on behalf of a different viewpoint.

23. Plaintiffs did not register their protest; nor did other groups who shows up to protest espousing a different viewpoint than Plaintiffs.

24. Students from both groups occasionally used signs that were attached to small sticks.

25. Plaintiffs participated in demonstrations on Fraser lawn on-and-off over the course of the next eight days.

26. There was no substantial disruption of any school activity.

27. Defendants conceded in their June 10, 2025 letter to Plaintiffs that there would be no finding that the Plaintiffs causes a disruption.

28. During Plaintiffs' protests, there were no obscene signs; no words promoting drug use; and there was no violent acts nor any indication at all that there ever could be.

29. On or about 4:10 p.m. on May 9, 2024, KU Student Affairs administrators and KUPD officers delivered a letter to KU SJP that informed the group that over the past week, KU “has allowed KU SJP to exercise its right to free speech.”

30. The letter conceded that what Plaintiffs had been doing – isolated use of signs on sticks, erecting tents during the day – had reflected their exercise of free speech.

31. But in the letter, Defendant KU informed them that would no longer be the case, telling them:

a. Commencement and recognition activities were beginning, and that the “increased number of students and visitors coming to campus, as well as our responsibility to effectively carry out University operations during this days-long event, changes our shared circumstances and concerns.”

b. If KU SJP continued its presence, anyone could expect that the KU staff would be mowing the Fraser lawn grass; nothing would be allowed under KU’s tent or on the lawn; amplified sound would not be allowed; KU staff would remove tables and chairs “to protect property during Commencement activities;” and that the camping policy would be enforced.

c. The letter was KU’s “final notice of policies, limitations, and associated consequences. The site must be cleared by 10 p.m., daily, beginning today, May 9, 2024. This includes, but is not limited to, furniture, bedding, tarps, and other camping paraphernalia. Anyone with items the University identifies as camping paraphernalia after 10 p.m., will be removed from the site.”

d. The letter also threatened to hold Plaintiffs accountable for the conduct of any third parties present.

32. Defendants did not send such a letter to student groups holding a different viewpoint than Plaintiffs.

33. KU, its Student Affairs office, and KUPD developed a plan to end the demonstrations that night prior to KU's commencement activities the next day; the plan included:

- a. Contracting with outside police agencies to increase the police presence;
- b. Establishing a curfew;
- c. Ending the demonstrations;
- d. Confiscating personal items and camping gear;
- e. Forcing students to leave the area;
- f. Arresting a certain number of students engaged in protest.

34. That evening KU SJP members and other students, as well as another group engaged in counterprotest, gathered to demonstrate.

35. At 10 p.m. on May 9, 2024, KUPD issued a verbal warning that all individuals "who do not remove their camping gear will be arrested for trespass."

36. Thereafter, KUPD played a recorded message that stated: "It has been determined that you have violated our policies, so you do not have authority to be on this property and you are hereby directed to leave. If you do not leave, you will be trespassing, you'll be arrested."

37. At 11:20 p.m., KUPD officers began informing students still engaged in protest that they must leave the area or be arrested for trespass.

38. The KUPD officers began to march as a group toward the demonstration.

39. At 11:30 p.m., KUPD officers also spoke to separate members of another student group that were demonstrating in support of the KUPD police department as well "agitating the original group;" however, KUPD did not tell the other group to leave, did not tell them they were trespassing, and did not indicate that they would be arrested.

40. Numerous KUPD officers began canvassing the library looking for people who appeared to belong to the Plaintiffs' group.

41. Anschutz library was open and other students were present.

42. Plaintiffs were in no way being disruptive.

43. The KU police officers arrested three KU students they believed to be members of Plaintiffs' group after asking them if they were part of the protest.

44. The KU police officers also sent their report to KU's Student Affairs, prompting KU and Defendant Neuman to initiate disciplinary actions against the three KU students.

45. The criminal charges against these KU students were promptly dropped.

46. Nonetheless, KU's Student Affairs office and Defendant Neuman continued to prosecute disciplinary proceedings against the three students.

47. Defendants, on June 12, 2024, also began disciplinary proceedings against the Plaintiffs, accusing them of chalking sidewalks, not registering a protest, disruption, using megaphones, posting signs on a University owned structure, and putting up a tent up during the day. No mention was made of the group being accused of using signs on sticks.

48. Defendants' actions chilled and deterred Plaintiffs from continuing to express political opinions, and Plaintiffs were forced to incur costs and invest time and energy into defending against the unfounded accusations.

49. KU found the disciplinary actions against the three students perceived to be members to be unsubstantiated.

50. Nonetheless, KU's Student Affairs continue to prosecute disciplinary charges against the Plaintiffs, in part based on the unlawful arrest of the three students perceived to be members, and/or the Defendants' purported policy of holding the Plaintiffs accountable for third-party conduct.

51. Defendants did not share the “case file” with Plaintiffs until four days before the first disciplinary hearing; at the hearing itself, Defendants revealed even more “evidence.”

52. The bulk of Defendants’ “evidence” was a timeline prepared by an administrator that constituted double and triple hearsay.

53. Defendants did not inform Plaintiffs what disciplinary actions they might face until pressed at the hearing.

54. At the hearing, Defendants had predetermined that the Plaintiffs would be disciplined.

55. At the hearing, Defendants changed the specific accusations against the group.

56. At the hearing, the Defendants, who acted in the role of prosecutor and judge, presented no evidence.

57. Subsequently, Defendants issued a November 12, 2024 letter finding that the Plaintiffs had violated the University’s “Disruption” policy; the University’s policy on public assembly for using signs attached to sticks or flagpoles and interfering with academic, business or university operations; and the university’s camping policy on three nights.

58. In the same letter, the Defendants purported to drop accusations of using a bullhorn, failing to register the protest, sidewalk chalking, and creating a disturbance in the library.

59. In the same letter, the Defendants imposed the following disciplinary measures:

- a. Placing the Plaintiffs on warning;
- b. Required education “on navigating policies and freedom of expression;”
- c. Labeling the Plaintiffs as not in good standing; and
- d. Publishing the Plaintiffs’ status as not in good standing.

60. Plaintiffs appealed the November 12, 2024 decision under the University’s policy to a three-person Appeals Panel, comprised of one student and two professors.

61. The Defendants chose to strike a student selected to serve on the panel.

62. The Appeals Panel took no new evidence but listened to an oral argument and received paper submissions from Plaintiffs and Defendants.

63. On May 22, 2025, the Appeals Panel, which included a university law professor, overturned all of the Defendants’ negative findings, except for the camping violation; and it found that the Defendants’ sanctions were disproportionate, choosing to leave only the educational measure in place.

64. But on June 10, 2025, Defendants issued the Plaintiffs another letter – this one stating that the Appeals Board had no authority to make a decision and only served as an advisory panel. The letter expressed curiosity over why the panel made its findings, but accepted only the panel’s finding that there was no violation of a disturbance policy. It then reimposed negative findings regarding camping, using signs on sticks, and registered organization requirements. It also reinstituted all the prior sanctions.

65. The foregoing conduct of the Defendants chilled the Plaintiffs’ expressive and associational rights; it deterred them from speaking and associating around their viewpoint, and it continues to do so; they incurred legal costs and continue to incur legal costs in defending against the Defendants’ conduct.

66. The foregoing conduct, which included establishing a curfew, use of police to disperse Plaintiffs from campus, disciplinary actions, holding the Plaintiffs accountable for the acts of third parties, unlawfully arresting people Defendants perceived to be associated with the Plaintiffs – none of this was directed at other student groups who possessed a different view

point, and who also engaged in campus protest at the same time, in the same manner, and at the same location.

67. The Defendants relied upon a camping policy that is not viewpoint neutral or content neutral – the camping policy permits camping as long as it is in support of the University’s sporting events.

68. The Defendants had in recent prior years permitted camping structures associated with other viewpoints.

69. The Defendants relied upon a no-signs-on-sticks-or-poles policy, but they did not enforce this policy against other campus groups who engaged in similar protest, but whom shared a different viewpoint; they also did not enforce this policy at any sporting events where signs on poles are ubiquitous.

70. There was no finding, or possibility, of violence or harm that would justify any policy prohibiting signs on sticks.

71. None of the Defendants’ conduct was viewpoint neutral or content neutral.

72. Each individual Defendant’s conduct was within their scope of employment and in the furtherance of their employer’s interest.

73. The Defendants’ actions toward Plaintiffs were malicious and wanton and in active disregard for the likely injuries the Plaintiffs were to sustain as a result.

74. Each individual Defendant’s conduct was carried out in concert with the other individual Defendants according to a common plan and goal.

75. The chancellor received praise and compensation from the University’s governance board for the way he treated the Plaintiffs.

Count I
Violation of the First Amendment Under 42 U.S.C. § 1983
(Against All Defendants)

76. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

77. Defendants are “persons” within the meaning of 42 U.S.C. § 1983.

78. The First Amendment to the United States Constitution protects the rights to free speech, peaceful assembly, and association. The Government may not regulate, prohibit, or punish protected speech on the basis of the viewpoint it expresses unless that regulation, prohibition, or punishment is the least restrictive means to attain a compelling government interest.

79. Plaintiffs engaged in constitutionally protected acts of peaceful assembly and political speech by participating in the demonstrations in support of the Palestinian people.

80. Defendants subjected Plaintiffs to unconstitutional restrictions on their right to assemble and speak, including campus bans, administrative holds, curfews, actively driving them from the area, threats of arrest and academic punishment, arrest of perceived members, disciplinary actions against the plaintiffs, denial of use of water and food on campus, registration requirements for political speech, punishment for use of signs depicting political speech, and enforcement of facially unconstitutional policies in an effort to chill their speech and deter further advocacy.

81. Defendants’ decision to threaten and intimidate Plaintiffs had the effect of chilling their speech and violated the First Amendment, including but not limited to the following five ways: (i) as an unconstitutional restriction on access to a public forum; (ii) as unconstitutional content-and viewpoint-based discrimination; (iii) as a violation of Plaintiffs’ right to speak to matters of public interest; (iv) as an unconstitutional restraint of Plaintiffs’ political speech; and (v) as an unconstitutional restriction on Plaintiffs’ freedom to associate.

82. Defendants have adopted policies, practices, and customs that have caused the violations complained of herein; and, in the alternative, have actual or constructive notice of the constitutional violations described herein and have failed to take action, thereby allowing the continuation of such a policy or custom, and causing the harms complained of herein.

83. Defendants' adopted policies, practices, and customs constitute unconstitutional prior restraints on Plaintiffs' speech and assembly, both on their face and as applied to Plaintiffs.

84. Defendants acted under color of state law when they deprived Plaintiffs of their right to free speech critical of the government and when they committed the alleged intimidating actions, including but not limited to imposing a curfew upon Plaintiffs, dispersing the Plaintiffs, arresting the Plaintiffs, causing the Plaintiffs to be jailed, causing the Plaintiffs to be prosecuted, and instigating and prosecuting disciplinary actions against the Plaintiffs.

85. Defendants' actions against Plaintiffs were substantially motivated by Plaintiff's engagement in First Amendment protected activities.

86. Defendant KU failed to train its employees properly on how to avoid unlawful incursion on students' First Amendment rights.

87. Defendant KU possessed official policies of deterring First Amendment activities of its students based on viewpoint expression, including camping policies, registration policies, and disciplinary proceedings predicated upon free expression.

88. Defendant KU possessed entrenched practices that possessed the force of policy and law in deterring expression based upon its content.

89. Defendant KU's top policy-making officials ordered an end to the demonstrations, directed police officers to arrest, and directed its employees to prosecute disciplinary proceedings based upon the content of Plaintiffs' political expressions.

90. The Defendants engaged in a deliberate effort to deter future similar activity, which demonstrates a pattern and practice of unconstitutional conduct that is certain to continue absent any relief.

91. The above-described conduct was, and continues to be, a proximate cause of Plaintiffs' enduring pain and suffering and has chilled their ability to participate in future speech in a public forum regarding matters of government. These violations of the First Amendment are also continuing and causing irreparable harm.

92. The Defendants engaged in their conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiffs' constitutional rights.

93. As a result of Defendants' conduct, Plaintiffs suffered reputational harm, harm to their privacy interests, harm to their liberty interests, Constitutional injuries and incurred legal expenses.

Count II
First Amendment Retaliation Under 42 U.S.C. § 1983
(Against All Defendants)

94. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

95. Plaintiffs engaged in conduct protected under the First Amendment by engaging in political speech and peaceable assembly on May 9, 2024.

96. To succeed on a claim for retaliation under the First Amendment, a plaintiff must show that they engaged in protected conduct, that the defendant took an adverse action against them that would deter a person of ordinary firmness from continuing to engage in that conduct, and that the adverse action was caused by the protected conduct.

97. Defendants responded to Plaintiffs' constitutionally protected activity by retaliating against them, including but not limited to imposing a curfew upon Plaintiffs, dispersing the

Plaintiffs, arresting and jailing perceived members of the Plaintiffs, and instigating and prosecuting disciplinary actions against the Plaintiffs.

98. By engaging in the alleged conduct Defendants sought to punish Plaintiffs for exercising their First Amendment rights, to silence them, and to deter them from criticizing Defendants in the future.

99. Defendants' retaliatory actions were substantially motivated by Plaintiffs' exercise of their First Amendment rights and by the content and viewpoints they expressed.

100. Defendants' retaliatory actions were taken in direct response to Plaintiffs' activities protected by the First Amendment.

101. Plaintiffs had a clearly established right under the First Amendment not to suffer retaliation for engaging in protected free speech, and any reasonable law enforcement officer, student affairs officer and university would know of this clearly established right.

102. At the direction of Defendants, law officers unlawfully arrested people they believed associated with the Plaintiffs without probable cause in retaliation for their protected speech and to deter future advocacy.

103. Defendants instigated and prosecuted unfounded disciplinary actions against the Plaintiffs in retaliation for their protected speech and to deter future advocacy.

104. Defendant KU failed to properly train and supervise employees with respect to the First Amendment, the rights of persons like Plaintiffs to exercise free speech under the First Amendment, and the appropriate means of responding without retaliation.

105. The Defendants had knowledge of the conduct, facilitated it, approved it, condoned it, or turned a blind eye to what it might see.

106. Defendant KU failed to train its employees properly on how to avoid unlawful incursion on students' First Amendment rights.

107. Defendant KU possessed official policies of deterring First Amendment activities of its students based on viewpoint expression, including camping policies, registration policies, and disciplinary proceedings predicated upon free expression.

108. Defendant KU possessed entrenched practices that possessed the force of policy and law in deterring expression based upon its content, including imposition of a curfew.

109. Defendants include KU's top policy-making officials, who were directly involved in the aforementioned conduct.

110. Defendants' intentional actions as described herein deliberately deprived Plaintiff of rights, privileges, liberties, and immunities secured by the Constitution of the United States, and directly caused the Plaintiffs to be deterred from future expression of political opinions.

111. Defendants acted under color of state law when they deprived Plaintiffs of their right to free expression and association.

112. The above-described conduct chilled, and continues to chill, Plaintiffs' desire to participate in future speech in a public forum. These violations of the First Amendment are also continuing and causing irreparable harm.

113. Defendants' intentional actions as described herein deliberately deprived Plaintiffs of rights, privileges, liberties, and immunities secured by the Constitution of the United States.

114. Defendants' custom, policy and practice of permitting officers to retaliate against citizens who exercise their First Amendment is not a reasonable regulation of constitutionally protected activities.

115. The Defendants engaged in their conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiffs' constitutional rights.

116. As a result of Defendants' conduct, Plaintiffs suffered reputational harm, harm to their privacy interests, harm to their liberty interests, Constitutional injuries and incurred legal expenses.

Count III
Fourteenth Amendment Equal Protection Under 42 U.S.C. § 1983
(Against All Defendants)

117. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

118. Defendants singled Plaintiffs out from other University of Kansas students and groups based upon viewpoint for enforcement of policies, imposing a curfew, dispersal, prosecution and punishment.

119. Defendants deliberately did not take such action against similarly situated students engaged in demonstrations based upon the content and viewpoint of those demonstrations.

120. Defendants did not treat students who were not participating in the protest in the same way.

121. There was no rational basis for Defendants to single out Plaintiffs for such conduct.

122. Defendants acted under color of state law when they deprived Plaintiffs of their Fourteenth Amendment right.

123. The Defendants engaged in their conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiff's Constitutional rights.

124. As a result of Defendants' conduct, Plaintiffs suffered reputational harm, harm to their privacy interests, harm to their liberty interests, Constitutional injuries, physical harms and injuries, pain, suffering, educational harms, and emotional distress.

Count IV
Petition for Judicial Review pursuant to K.S.A. 77-601 *et seq.*
(Against Defendants The University of Kansas and Douglas A. Girod)

125. Plaintiffs incorporate all foregoing paragraphs as if fully set forth herein.

126. Attached hereto as Exhibit A is the June 10, 2025 communication which the Defendant University characterized as a “notice of final agency action by the University of Kansas” in the which the University rejected the May 22, 2025 findings of the University’s Judicial Board Appeals Panel that found in favor of the Plaintiffs on all issues except a camping policy violation.

127. Attached hereto as Exhibit B is the May 22, 2025 findings by the University’s Judicial Board Appeals Panel.

128. Plaintiffs have filed this petition for judicial review within 30 days of the University’s “final agency action.”

129. The University possessed improper motive for the disqualification of a University Judicial Board Appeals Panel member.

130. The University’s procedures and decision-making process were unlawful.

131. Each decision in the University’s June 10, 2025 final agency action violated the First Amendment as applied to these Plaintiffs.

132. Each decision in the University’s June 10, 2025 final agency action erroneously interpreted and applied the law that prohibits the state from taking action targeting the content of political speech, the right to associate, and the right to use a public forum.

133. Each decision in the University’s June 10, 2025 final agency action failed to follow prescribed procedures including failing to permit Plaintiffs to question the University witnesses, allow Plaintiffs to present evidence, provide the Plaintiffs a meaningful appeal, and by adhering to any coherent or fair basis for presenting evidence, using a biased decision-maker, prejudging

the outcomes, denying the Plaintiff access to evidence prior to a hearing, changing the basis of the charged misconduct throughout the process, ignoring the findings of the Appeals Panel, and imposing unwarranted sanctions.

134. Each decision in the University's June 10, 2025 final agency action was not supported by facts determined under the appropriate standard of proof or by substantial evidence when viewed in light of the record as a whole.

135. Each decision in the University's June 10, 2025 final agency action is unreasonable, arbitrary and capricious.

136. As a result of Defendants' conduct, Plaintiffs suffered reputational harm, harm to their privacy interests, harm to their liberty interests, Constitutional injuries, physical harms and injuries, pain, suffering, educational harms, and emotional distress.

Prayer for Relief

WHEREFORE, Plaintiffs Linnaea Radley, Mya Hoersdig, and Students for Justice in Palestine respectfully request that this Court enter judgment against Defendants University of Kansas, Tammara Durham, Phil Neuman, and Douglas A. Girod for compensatory, actual and special damages including emotional distress, attorneys' fees and costs incurred, and for such other and further relief as the Court deems just and necessary. Plaintiffs further request a declaratory judgment that the conduct of Defendants violated the Plaintiffs' First, Fourth and Fourteenth Amendment rights. Plaintiffs further request judicial review of KU's June 10, 2025 final agency action.

Demand for a Jury Trial

Plaintiffs hereby demands a trial by jury on all claims and issues so triable.

Respectfully Submitted,

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