

1 DANIEL M. ORTNER (California State Bar No. 329866)  
2 daniel.ortner@thefire.org  
3 FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
4 510 Walnut Street, Suite 1250  
5 Philadelphia, PA 19106  
6 Telephone: (215) 717-3473  
7 *Counsel for Plaintiffs*

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO DIVISION**

11 LOREN PALSGAARD; JAMES DRULEY;  
12 MICHAEL STANNARD; DAVID  
13 RICHARDSON; BILL BLANKEN; and LINDA  
14 DE MORALES;

15 *Plaintiffs,*

16 v.

17 SONYA CHRISTIAN, in her official capacity as  
18 the State Chancellor of California Community  
19 Colleges; AMY M. COSTA, HILDEGARDE B.  
20 AGUINALDO, DARIUS W. ANDERSON,  
21 ADRIENNE C. BROWN, TOM EPSTEIN,  
22 FELICIA ESCOBAR CARRILLO, JOLENA M.  
23 GRANDE, PAMELA HAYNES, ELENI  
24 KOUNALAKIS, HARRY LE GRANDE, PAUL  
25 MEDINA, JENNIFER L. PERRY, BILL  
26 RAWLINGS, MARY H. SALAS, BLAS  
27 VILLALOBOS, and JOSEPH R. WILLIAMS, in  
28 their official capacities as members of the Board  
of Governors of the California Community  
Colleges; CAROLE GOLDSMITH, in her official  
capacity as the Chancellor of State Center  
Community College District; and NASREEN  
JOHNSON, MAGDALENA GOMEZ,  
DANIELLE PARRA, RICHARD M. CAGLIA,  
ROBERT A. FUENTES, DEBORAH J. IKEDA,  
DESTINY RODRIGUEZ, and GERARDO  
REYES, in their official capacities as members of  
the Board of Trustees of the State Center  
Community College District,

*Defendants.*

Civil Action No.: \_\_\_\_\_

**VERIFIED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Date: T.B.D.

Time: T.B.D.

Judge: T.B.D.

## INTRODUCTION

1  
2 1. America's colleges and universities exist to advance knowledge through critical  
3 thinking and academic experimentation, not indoctrinate students with the government's preferred  
4 viewpoints. The First Amendment therefore "does not tolerate laws that cast a pall of orthodoxy  
5 over the classroom." *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (cleaned up).

6 Knowledge is discovered not by "authoritative selection," but "out of a multitude of tongues." *Id.*

7  
8 2. But California Community Colleges' new diversity, equity, inclusion and  
9 accessibility rules (DEIA Rules) force professors to endorse the government's view on politically  
10 charged questions regarding diversity, equity, inclusion, and accessibility (DEIA).

11 3. The DEIA Rules mandate viewpoint conformity, compel professors to teach and  
12 preach the State's perspective on DEIA, impose a prior restraint on the sharing of contrary views,  
13 and subject professors to an array of overbroad, vague, and arbitrary requirements.

14 4. The DEIA Rules affect the faculty of each of California's 73 community college  
15 districts and 116 community colleges, impacting the education of more than 1.8 million students.

16 5. Plaintiffs are six professors in the State Center Community College District. State  
17 Center imposes the DEIA Rules on faculty through its contract with the faculty union. ("Faculty  
18 Contract").  
19

20 6. Questions surrounding DEIA lie at the heart of our nation's most challenging and  
21 contested conversations. From the board room to the Capitol, politicians, scholars, and everyday  
22 Americans are debating the best way to overcome racial inequity in a manner consistent with our  
23 nation's ideal of equality under the law.  
24

25 7. College classrooms are home to "a tradition of thought and experiment that is at  
26 the center of our intellectual and philosophic tradition" and are perfectly suited for debate and  
27 discussion on these pressing questions. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515

1 U.S. 819, 835 (1995). Professors and students must therefore have the academic freedom to  
2 vigorously discuss different perspectives and to share their own. Indeed, “[t]o impose any strait  
3 jacket upon the intellectual leaders in our colleges and universities would imperil the future of our  
4 Nation.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

5  
6 8. But the DEIA Rules forsake debate for top-down conformity, *requiring* faculty to  
7 *endorse* contested concepts such as “anti-racism,” the view that individuals must advocate for  
8 race-conscious remedies in order to overcome systemic racism, or “intersectionality,” the view  
9 that human beings are primarily defined by overlapping group identities like race and sex.  
10 California Community Colleges’ new rules use the heavy hand of the government not to  
11 encourage debate about diversity, equity, inclusion, and accessibility policies, but end it.

12  
13 9. For instance, the DEIA Rules require faculty members to teach in a manner  
14 reflecting “DEIA and anti-racist principles” and “promote[] a race-conscious and intersectional  
15 lens.” Professors must also employ a “social justice lens” and a “collectivism perspective,” rather  
16 than an “individualist perspective.” The government warns professors not to “weaponize  
17 academic freedom and academic integrity as tools to impede equity” or “inflict curricular trauma  
18 on our students.”

19  
20 10. Each of California’s community college districts must now evaluate faculty  
21 performance based on faculty members’ compliance with these DEIA Rules. If professors want to  
22 keep their jobs, each of California’s community colleges require that faculty incorporate the  
23 requirements into lesson plans and lectures.

24  
25 11. The Faculty Contract imposes additional viewpoint requirements on professors,  
26 like employing “learning practices that reflect DEIA and anti-racist principles” and showing  
27 “knowledge of the intersectionality of social identities.”



1           12. Plaintiffs are opposed to the DEIA Rules and Faculty Contract because they  
2 require them to endorse DEIA concepts such as “anti-racism” and “intersectionality” that they  
3 strongly oppose. Each instead supports race-neutral policies and perspectives that treat all  
4 students equally.

5           13. Plaintiffs Druley, Palsgaard, Stannard, and Richardson teach in the humanities or  
6 social sciences where DEIA topics frequently come up. Each presents students course materials  
7 spanning diverse viewpoints to teach students to think critically about these difficult issues. But  
8 under the DEIA Rules, they must enforce the State’s perspective on DEIA. And if they present a  
9 counterpoint, they may be accused of “weaponiz[ing] academic freedom” or “inflict[ing]  
10 curricular trauma.” *See infra* ¶¶ 98-149.

11           14. Plaintiffs Blanken and de Morales teach chemistry and believe forced endorsement  
12 of DEIA principles has no room in their classroom or laboratory. They refuse to incorporate  
13 DEIA principles because doing so will detract from their students’ education and interfere with  
14 their ability to teach the subject by taking away precious classroom instruction time in a difficult  
15 subject that students often struggle to grasp. *See infra* ¶¶ 150-173.

16           15. Plaintiffs risk termination if they fail to embrace the new DEIA Rules. But if  
17 Plaintiffs attempt to comply with the DEIA Rules, they will be forced to alter their curriculum  
18 and teaching methods, parrot the government’s views, and abandon their academic freedom.

19           16. Under the First Amendment, public colleges and universities can no more mandate  
20 conformity on DEIA than on foreign policy or free market economics. California’s professors  
21 must remain free to study, teach, debate, and write about all sides of all issues. Protecting  
22 academic freedom is “a special concern of the First Amendment.” *Demers v. Austin*, 746 F.3d  
23 402, 411 (9th Cir. 2014) (quoting *Keyishian*, 385 U.S. at 603).







1           28. Plaintiff David Richardson, a history instructor at Madera Community College,  
2 teaches challenging subjects like discrimination, slavery, and the Civil Rights movement in his  
3 classes on Early and Modern American history and Western Civilization. Although Richardson  
4 has encouraged his students to debate controversial ideas in class, he now fears he will be  
5 disciplined or fired for violating the new DEIA Rules if he encourages students to consider  
6 different viewpoints on DEIA issues.  
7

8           29. Plaintiff Bill Blanken is a chemistry instructor at Reedley College who does not  
9 believe that “DEIA principles” like intersectionality and anti-racism have any place in the  
10 chemistry classroom or laboratory. Blanken believes incorporating “DEIA principles” in  
11 chemistry curriculum would be pedagogically unsound and disruptive. Blanken fears he will be  
12 disciplined or fired because he will not incorporate the state-defined “DEIA principles” into his  
13 lessons.  
14

15           30. Plaintiff Linda de Morales is a chemistry instructor at Madera Community  
16 College. De Morales strongly believes in the need to treat everyone equally in a color-blind  
17 manner and objects to being required to embrace and endorse the government’s race-conscious  
18 “DEIA principles.” She also believes incorporating “DEIA principles” in chemistry curriculum  
19 would be pedagogically unsound and disruptive. De Morales fears she will be disciplined or fired  
20 because she will not incorporate Defendants’ “DEIA principles” into her lessons.  
21

22           **Defendants**

23           31. Defendant Sonya Christian is the Chancellor of the California Community Colleges  
24 system and the CEO of the Board of Governors (“State Chancellor”).

25           32. Defendants Amy M. Costa, Hildegard B. Aguinaldo, Darius W. Anderson,  
26 Adrienne C. Brown, Tom Epstein, Felicia Escobar Carrillo, Jolena M. Grande, Pamela Haynes,  
27 Eleni Kounalakis, Harry Le Grande, Paul Medina, Jennifer L. Perry, Bill Rawlings, Mary H.



1 Salas, Blas Villalobos, and Joseph R. Williams are members of the Board of Governors of  
2 California Community Colleges.

3 33. The State Chancellor and the members of the Board of Governors (State  
4 Defendants) were responsible for the adoption of the DEIA Rules and remain responsible for  
5 ensuring that each of the 73 California's Community College Districts, including State Center  
6 Community College District, and 116 Community Colleges comply with the DEIA Rules.  
7

8 34. Defendant Carole Goldsmith is the Chancellor of the State Center Community  
9 College District.

10 35. Defendants Nasreen Johnson, Magdalena Gomez, Danielle Parra, Richard M.  
11 Caglia, Robert A. Fuentes, Deborah J. Ikeda, Destiny Rodriguez, and Gerardo Reyes are members  
12 of the Board of Trustees of the State Center Community College District.  
13

14 36. The District Chancellor and the State Center Board of Trustees (District  
15 Defendants) were responsible for the adoption of the Faculty Contract and are responsible for its  
16 implementation and enforcement at each of the community colleges in State Center.  
17

18 37. At all times, all Defendants were acting under color of law.

19 38. All Defendants are sued only in their official capacity for declaratory and  
20 injunctive relief.

## 21 **FACTUAL ALLEGATIONS**

### 22 **I. The Chancellor proposes new DEIA Rules.**

23 39. On March 11, 2022, the California Community Colleges Chancellor's Office  
24 released for public comment proposed amendments to Title 5 of the California Code of  
25 Regulations.  
26

1           40.     The proposed amendment would require community colleges to evaluate faculty  
2 for their commitment to and faithfulness to “DEIA Principles” as part of their performance  
3 evaluation and tenure review process.

4           41.     The proposed amendments were developed as part of the Chancellor’s “Diversity,  
5 Equity and Inclusion Integration Plan” undertaken in 2019 to incorporate DEIA principles into  
6 the California Community College system’s curriculum and practices.

7           42.     On April 22, 2022, Counsel for Plaintiffs, the Foundation for Individual Rights  
8 and Expression (FIRE) submitted a public comment to the Chancellor’s Office outlining its  
9 concerns with the ways that the proposed DEIA rules would infringe upon the First Amendment  
10 rights of faculty members. FIRE raised its concern that the proposed rules would violate the First  
11 Amendment by requiring “faculty members to affirm certain perspectives on disputed political and  
12 ideological issues and to embed those perspectives in their academic activities.” Other public interest  
13 organizations and faculty members raised similar concerns.

14           43.     After receiving public comments on the proposed regulation, the Chancellor’s  
15 Office issued revised regulatory language on May 5, 2022, with minor changes that failed to  
16 address the First Amendment concerns raised by FIRE.

17           44.     FIRE once again submitted a comment voicing its concern that the revised  
18 regulation continued to violate the First Amendment.

19           45.     On May 23, 2022, the California Community Colleges Board of Governors voted  
20 to officially adopt the revised regulation (the DEIA Rules).

21           46.     The State Chancellor filed the adopted DEIA Rules with the Secretary of State on  
22 March 17, 2023. The DEIA Rules took effect thirty days later on April 16, 2023. A true and  
23 correct copy of the final version of the DEIA Rules is attached as Exhibit A.

1           47.     The districts in the community college system have 180 days from the date the  
2 DEIA Rules took effect (that is, until October 13, 2023) to conform their policies and procedures  
3 to the requirements in the rules. However, some districts, like State Center, have already  
4 implemented the rules before the allotted 180 days. *See infra* ¶¶ 81-95.<sup>1</sup>

5           **II.     The DEIA Rules require faculty to espouse the State’s view on DEIA.**

6           48.     Under the DEIA Rules, all California Community College Faculty must embrace  
7 contested viewpoints, including specific views about the concepts of “intersectionality” and “anti-  
8 racism,” as a condition for teaching and must be evaluated regularly to ensure that they have  
9 conformed to these DIEA viewpoints.

10           49.     The DEIA Rules require all employees in the community college districts,  
11 including faculty, to “have or establish proficiency in DEIA-related performance to teach, work,  
12 or lead within California community colleges.” Cal. Code Regs. tit. 5, § 53602(b).

13           50.     Under the DEIA Rules, each community college district must adopt policies  
14 requiring faculty and staff to demonstrate “proficiency” in “DEIA competencies” in performance  
15 evaluations and tenure reviews. *Id.*, § 53601(a)–(b).

16           51.     The DEIA Rules authorize the Chancellor to “adopt and publish guidance  
17 describing DEIA competencies and criteria.” These criteria “shall” be used by District in  
18 developing their minimum standards and conducting performance evaluations. *Id.*

19           52.     Each district must “set clear expectations regarding employee performance related  
20 to DEIA principles, appropriately tailored to the employee’s classification.” *Id.*, § 53602(c).

21  
22  
23  
24  
25  
26           <sup>1</sup> There is some discrepancy as to the date when the rules took effect. While the final rule was enrolled on  
27 March 17, 2023 and therefore should have taken effect 30 days later on April 16, 2023, the Chancellor’s office lists  
28 the rule’s effective date as April 26, 2023. If that is the effective date, then 180 days later would be October 23, 2023.  
This discrepancy has no impact on Plaintiffs’ claims since State Center adopted the DEIA Rules into its Faculty  
Contract well before the expiration of either 180-day deadline.



1           53. Each district must also “place significant emphasis on DEIA competencies in  
2 employee evaluation and tenure review processes to support employee growth, development, and  
3 career advancement.” *Id.*

4           54. The DEIA Rules do not define “DEIA principles.”

5           55. Several of the provisions of the DEIA Rules force faculty to embrace contested  
6 ideological viewpoints.

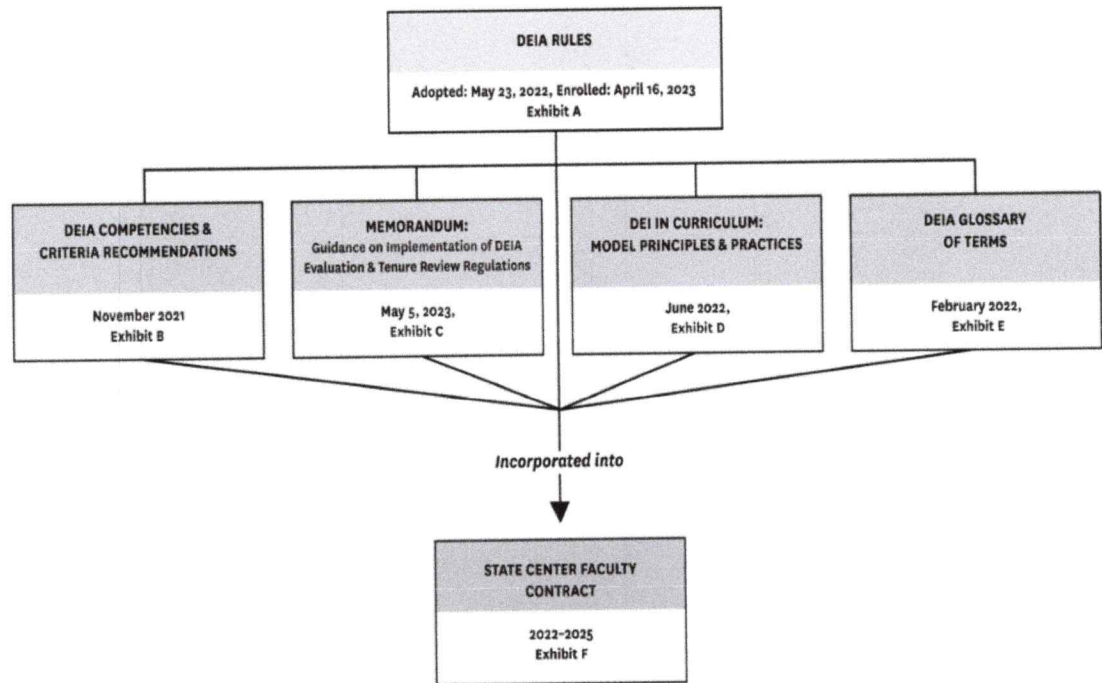
7           56. For instance, all employees, including faculty, must demonstrate “cultural  
8 competency,” defined as “the practice of acquiring and utilizing knowledge of the  
9 intersectionality of social identities and the multiple axes of oppression that people from different  
10 racial, ethnic, and other minoritized groups face.” *Id.*, § 52510(h).

11           57. Similarly, faculty must “employ teaching, learning, and professional practices that  
12 reflect DEIA and anti-racist principles.” “Anti-racist” is defined, without further clarification, as  
13 those “policies and actions that lead to racial equity.” *Id.*, § 52510(d). The DEIA Rules do not  
14 explain how a professor can tell if a teaching practice is “anti-racist” or leads to “racial equity,”  
15 nor do the DEIA Rules explain what a professor is to do when a good-faith debate exists as to  
16 whether a policy “lead[s] to racial equity.”

17  
18  
19 **III. The Chancellor’s Office issues Implementation Guidelines for the districts.**

20           58. The Chancellor’s Office developed and published three guidance documents local  
21 districts and colleges must use when implementing the DEIA Rules. The first is a list of the  
22 competencies and criteria that are expected of all California Community College employees  
23 moving forward. The second is a set of model principles that explain what integrating “DEIA  
24 Principles” into the classroom should look like. The third is a glossary that defines key DEIA  
25 terms. The Chancellor’s office also sent out a memorandum to all the districts explaining the  
26 DEIA Rules. Collectively, these are referred to as the Implementation Guidelines.

59. The following graphic shows the relationship between the DEIA Rules, the Implementation Guidelines, and the Faculty Contract:



**A. Competencies and Criteria**

60. In 2021, the Chancellor’s Office issued the *Diversity, Equity and Inclusion Competencies and Criteria Recommendations*. The *Competencies and Criteria* “define the skills, knowledge, and behaviors that all [CCC] employees must demonstrate.” A true and correct copy of the *Competencies and Criteria* is attached as Exhibit B.

61. In a May 5, 2023 memorandum, the Chancellor explained that DEIA Rules makes these “DEIA-focused competencies and criteria a minimum standard and a system-wide requirement” for community college faculty and staff. This memorandum is attached as Exhibit

C.

1           62.     The *Competencies and Criteria* mandate that professors not only teach  
2 Defendants’ contested viewpoint on DEIA, but actively promote and advocate for that viewpoint  
3 both inside and outside of the classroom. Per the *Competencies and Criteria*, faculty must  
4 endorse the State’s DEIA viewpoint in a variety of respects. They must “[a]cknowledge” the  
5 “diverse, fluid, and intersectional nature” of identity. They must “[d]emonstrate their “ongoing  
6 awareness and recognition” of “structures of oppression and marginalization.” And they must  
7 “[s]eek DEI and anti-racist perspectives” and continually improve their “own commitment to DEI  
8 and internal biases.”

9  
10           63.     The *Competencies and Criteria* mandate what California Community Colleges  
11 professors may teach in the classroom, requiring professors “[p]romote” and “incorporate[]” a  
12 “DEI and anti-racist pedagogy.” The pedagogy must “promote[] a race-conscious and  
13 intersectional lens” and be “culturally affirming.”

14  
15           64.     The requirements of the *Competencies and Criteria* do not end when faculty leave  
16 the classroom. A professor must “advocate for and advance DEI and anti-racist goals and  
17 initiatives” outside of class, too, by “participating in DEI groups, committees, or community  
18 activities that promote systemic and cultural change to close equity gaps and support minoritized  
19 groups.”

20           **B.     Model Principles**

21           65.     In June 2022, shortly after the Board of Governors adopted the DEIA Rules, the  
22 Chancellor’s Office released *Model Principles and Practices for DEI in Curriculum*, setting out  
23 its recommended priorities for local districts and schools to use to effectively implement DEIA  
24 principles in the classroom. The *Model Principles* are a set of model principles that explain what  
25 integrating “DEIA Principles” into the classroom should look like. The *Model Principles* are  
26 listed on the Chancellors’ website as a “guidance memo” setting out curricular priorities that  
27



1 districts are encouraged to incorporate. A true and correct copy of the *Model Principles* are  
2 attached as Exhibit D.

3 66. The *Model Principles* impact many aspects of the teaching experience, from the  
4 selection of curriculum and reading assignments to the language professors are expected to use,  
5 requiring absolute conformity with Defendants' DEIA viewpoints.  
6

7 67. Under the *Model Principles*, faculty should supplement their course material with  
8 additional materials integrating DEIA principles to ensure that "equity frameworks and principles  
9 in decision-making are prioritized and addressed."

10 68. The *Model Principles* ask faculty to change not just what they teach, but how they  
11 teach it. The *Model Principles* demand faculty "[r]eword language from a colonized mindset to an  
12 equity mindset"—for example, by using the term "enslaved" rather than "slaves."  
13

14 69. The *Model Principles* even tell faculty how they should think, directing them to  
15 "[s]hift to a collectivism perspective" rather than an "individualist perspective," and to "[w]eave  
16 DEI and culturally responsive practice into every course." Every discipline and subject must  
17 "[u]se culturally responsive practices and a social justice lens."  
18

19 70. Furthermore, the *Model Principles* also tell Faculty what they are *not* allowed to  
20 say. Faculty are warned not to "weaponize academic freedom and academic integrity as tools to  
21 impede equity" or "inflict curricular trauma on our students" by selecting material that would run  
22 contrary to the prevailing DEIA viewpoint.

23 71. The *Model Principles* urge enforcement of these recommendations through  
24 "curriculum committees" that will evaluate all course outlines through a "diversity, equity,  
25 inclusion, and antiracist lens."  
26

27 72. The requirements will also be integrated into collective bargaining agreements and  
28 performance evaluations.

1           73.     State Center has integrated the *Model Principles* into faculty performance  
2 evaluations through its Faculty Contract. *See infra* ¶¶ 81-95.

3           **C.     Glossary**

4           74.     The State Chancellor’s Office published a *Diversity, Equity, and Inclusion, and*  
5 *Accessibility Glossary of Terms* which defines key terms in the DEIA Rules to create a “shared  
6 understanding” of DEIA concepts. A true and correct copy of the *Glossary* is attached as Exhibit  
7  
8 E.

9           75.     The State Chancellor included a link to the *Glossary* in her May 2023  
10 memorandum to districts in which she urged the districts to refer to the *Glossary* to understand  
11 the DEIA Rules. *See* Exhibit C (explaining that the *Glossary* is intended to “assist with increasing  
12 awareness and understanding of DEIA efforts”).

13           76.     The definitions and concepts included in the *Glossary* to assist districts with  
14 “understanding” the DEIA Rules further demonstrate that the DEIA Rules are viewpoint-based  
15 and mandate ideological conformity on matters of significant public debate.

16           77.     For instance, the *Glossary* defines “color-blindness” as a “racial ideology” which  
17 “perpetuates racial inequalities and denies systematic racism.” But many, including Plaintiffs, see  
18 color-blind policies as the best way to resolve racial inequalities. *See, e.g.,* Oriane Georgeac and  
19 Aneeta Rattan, *The business case for diversity backfires: Detrimental effects of organizations’*  
20 *instrumental diversity rhetoric for underrepresented group members’ sense of belonging.* *J Pers*  
21 *Soc Psychol.* 2023 Jan;124(1):69-108.  
22

23           78.     Likewise, the *Glossary* declares that to be “equity-minded” requires being “race-  
24 conscious,” a controversial concept that many, including Plaintiffs, reject as racist. *See e.g.,*  
25 Robert D. Alt, *Toward Equal Protection: A Review of Affirmative Action*, 36 *Washburn L.J.* 179  
26 (1996–97) (“To pursue the concept of racial entitlement—for even the most admirable and benign  
27

1 of purposes—is to reinforce and preserve for future mischief the way of thinking that produced  
2 race slavery, race privilege, and race hatred.”).

3 79. The *Glossary* denounces the concept of “merit” as “protect[ing] White Privilege  
4 under the guise of standards,” whereas many, including Plaintiffs, see the concept of merit as  
5 crucial to an upwardly mobile society that can overcome legacies of racism. *See e.g.*, Suzanna  
6 Sherry and Daniel A. Farber, *Is the Radical Critique of Merit Anti-Semitic?* 83 Cal. L. Rev. 853  
7 (1995).

8  
9 80. These expansive definitions show the breadth of the DEIA Rules and illustrate  
10 how Plaintiffs and other community college professors will be required to endorse the State’s  
11 preferred viewpoint or be accused of “protect[ing] White Privilege” or “perpetuat[ing] racial  
12 inequalities and den[ying] systematic racism.”

13  
14 **IV. State Center incorporated the DEIA Rules into its Faculty Contract.**

15 81. The Faculty Contract requires faculty members to demonstrate their allegiance to  
16 Defendants’ DEIA viewpoints in order to earn a positive evaluation and avoid discipline.

17 82. On January 27, 2023, State Center Community College District adopted a Full-  
18 time Faculty Agreement with the State Center Federation of Teachers, the labor union that  
19 represents State Center faculty. A true and correct copy of the Faculty Contract is attached as  
20 Exhibit F.

21 83. The Faculty Contract contains DEIA obligations implementing the State  
22 Chancellor’s DEIA Rules, including the Implementation Guidelines.

23  
24 84. Under the previous faculty contract, faculty were evaluated for their “demonstrated  
25 ability to successfully teach students from cultures other than one’s own.”  
26  
27



1           85. Under the DEIA Rules, however, they are now evaluated on their “demonstration  
2 of, or progress toward, diversity, equity, inclusion, and accessibility (DEIA) related competencies  
3 and teaching and learning practices that reflect DEIA and anti-racist principles.”

4           86. Faculty must now also “reflect knowledge of the intersectionality of social  
5 identities” and “recognize the myriad of ways in which people differ, including the psychological,  
6 physical, cognitive, and social difference that occur among individuals.”

7           87. Tenured faculty members are evaluated once every 3 years under the Faculty  
8 Contract.

9           88. As part of their review, each faculty member must submit “a written evaluation of  
10 their job performance” in which the member must “demonstrate an understanding of diversity,  
11 equity, inclusion and accessibility (DEIA) competencies and anti-racist principles, and how they  
12 have put those principles into practice to improve equitable student outcomes and course  
13 completion.”

14           89. The Faculty Contract does not define operative terms like “equity,”  
15 “intersectionality,” and “anti-racism.”

16           90. Tenured faculty members whose DEIA performance is inadequate may be placed  
17 on a “plan for improvement” by their supervisor and given a limited time to correct the perceived  
18 deficiency.

19           91. A supervisor dissatisfied with a professor’s performance on DEIA competencies  
20 may recommend against that professor moving to a new salary class and receiving a raise.  
21 Administrators at State Center including the Vice Chancellor or members of the Human  
22 Resources department may also reject a professor’s request for advancement to a new salary  
23 class.  
24  
25  
26  
27

1           92. Under the State Center Community College District Employee Handbook, tenured  
2 faculty may be penalized or dismissed for the “[p]ersistent violation of or refusal to obey school  
3 laws of the state or reasonable regulations,” including persistent violations of the DEIA Rules as  
4 incorporated into the Faculty Contract.

5           93. According to State Center’s Administrative Regulation 7123, a State Center  
6 employee may be disciplined for “[w]illful violation of any policy and regulations of the District  
7 or any lawful administrative directive,” including willful violations of the DEIA Rules or the  
8 DEIA requirements of the Faculty Contract.

9           94. According to Administrative Regulation 7360, an academic employee may be  
10 disciplined or dismissed for “[u]nsatisfactory performance” or the “[p]ersistent violation of, or  
11 refusal to obey, the school laws of the state or reasonable regulations prescribed for the  
12 government of the community colleges by the Board of Governors or by the Governing Board of  
13 the District.” This would include unsatisfactory performance in DEIA competencies or the  
14 persistent violation of the DEIA Rules or the DEIA requirements of the Faculty Contract.

15           95. An employee disciplined or dismissed for a “persistent violation” need not be  
16 given notice in advance of the filing of a charge. AR 7360.

17  
18  
19 **V. Plaintiffs’ First Amendment rights are being impaired by the DEIA Rules and**  
20 **Faculty Contract.**

21           96. Plaintiffs are tenured faculty members at community colleges in State Center who  
22 are governed by the Faculty Contract which implements the DEIA Rules (including the  
23 Implementation Guidelines).

24           97. Plaintiffs object to the viewpoint requirements in the DEIA Rules and the Faculty  
25 Contract and would not, but for these requirements, espouse them in the classroom.  
26

1           A.     *Plaintiff James Druley, Philosophy Professor*

2           98.     Professor Druley has been a full-time faculty member at Madera for the past 24  
3 years. Druley is currently the only full-time philosophy professor at Madera. Druley specializes in  
4 teaching logic and ethics.

5           99.     Druley is responsible for writing the course outlines of record on which course  
6 syllabi are based—for all eight of the philosophy courses offered at Madera.

7           100.    During the Spring 2024 semester, Druley will be required to rewrite his course  
8 outlines to explain how each course will implement DEIA in its curriculum. To write these  
9 outlines consistently with the DEIA Rules' requirements, Druley will have to include and endorse  
10 DEIA viewpoints that he considers deeply flawed and problematic and to exclude and disclaim  
11 materials that may run afoul of the DEIA Rules.

12           101.    Druley currently teaches or has taught Introduction to Philosophy; Ethics; World  
13 Religions; Critical Reasoning and Analytical Writing; Traditional Logic; Contemporary Symbolic  
14 Logic; History of Modern Philosophy; and History of Ancient Philosophy. Druley discusses race  
15 and racism in several of his classes, including Introduction to Philosophy and Critical Reasoning  
16 and Analytical Writing.

17           102.    Many of the methods of critical reasoning and traditional logic that Druley teaches  
18 in his classroom run counter to DEIA viewpoints. For instance, the method of using  
19 counterexamples to challenge a claim may be seen as failing to adopt “culturally responsive  
20 practices and a social justice lens” if it is used to critically challenge and demand evidence to  
21 support DEIA principles.

22           103.    Druley believes that it is impossible to teach ethics without talking about “merit”  
23 as a positive moral concept. It is also important to recognize meritorious work on the part of  
24 students, and so Druley also objects to any efforts to eliminate merit in assigning grades or to take  
25



1 equity into account in assigning grades because he believes it is important to recognize his  
2 student's meritorious work. But if he continues to demand and teach the virtues of "merit" he  
3 risks being accused of "protect[ing] White Privilege under the guise of standards" in violation of  
4 the DEIA rules.

5  
6 104. Druley believes that the best remedy to racism is to not consider race at all. He  
7 therefore rejects the type of "anti-racism" that the DEIA Rules require him to endorse, teach, and  
8 demonstrate.

9  
10 105. Druley has signed a "Pro-Human Pledge" sponsored by the Foundation Against  
11 Intolerance and Racism and has committed to "treat everyone equally without regard to skin color  
12 or immutable characteristic." This contradicts the DEIA Rules requirement that Druley adopt a  
13 "race-conscious" viewpoint.

14  
15 106. In addition, by signing a pledge organized by FAIR, an organization dedicated to  
16 color-blindness and the equal treatment of all human beings, Druley may be punished for going  
17 against the requirement that he "advocate for and advance DEI and anti-racist goals and  
18 initiatives" including "participating in DEI groups, committees, or community activities that  
19 promote systemic and cultural change to close equity gaps and support minoritized groups."

20  
21 107. Druley wants to teach his students to critically consider controversial DEIA topics.  
22 For instance, he wants his students to be able to contrast the ideas of Malcom X and Martin  
Luther King, Jr., or Frederick Douglass and W.E.B. DuBois on race and racism.

23  
24 108. Because of the DEIA Rules and the Faculty Contract, Druley will avoid voicing  
25 his opinions on controversial DEIA topics, use vague and indeterminate language, walk on  
26 eggshells when discussing race, and may feel compelled to avoid assigning controversial or  
27 challenging readings about race.

1           109. Druley, through his lectures and curriculum, wants to encourage students to think  
2 for themselves. But he fears that he will be accused of being insufficiently “anti-racist” or of  
3 “weaponiz[ing] academic freedom” and “inflict[ing] curricular trauma” on his students if he  
4 proceeds with his preferred lesson plans.

5           110. As of the current semester which began on August 7, 2023, Druley is already  
6 being evaluated for how effectively he has integrated DEIA principles into his philosophy  
7 classroom.

8           111. Druley’s next performance evaluation is in Spring 2026 and will be governed by  
9 DEIA Rules and the Faculty Contract.

10           112. As part of the evaluation process, Druley will be required to write a self-evaluation  
11 about his efforts to promote DEIA.

12           113. Druley is worried that his self-evaluation will not satisfy the DEIA Rules because  
13 he will express his criticism of DEIA principles such as “equity,” “intersectionality” and “anti-  
14 racism.” He risks negative professional repercussions if his viewpoint is labeled a “racial  
15 ideology” that “perpetuates racial inequalities and denies systematic racism.” Exhibit E.

16           114. Druley fears he will be disciplined or fired for “unsatisfactory performance” or a  
17 “persistent” or “willful violation” of the DEIA Rules and the DEIA requirements of the Faculty  
18 Contract if he continues to share his criticism of DEIA and “anti-racism” principles and does not  
19 affirmatively teach and preach those principles in his classroom.

20           ***B. Plaintiff Loren Palsgaard, English Professor***

21           115. Palsgaard has taught English at Madera for 25 years

22           116. Palsgaard teaches Freshman Composition, Critical Thinking, Intro to Literature,  
23 and Creative Nonfiction Writing.

1           117. As an English instructor, Palsgaard wants his students to explore topics of public  
2 concern from multiple perspectives while observing a code of mutual respect. Palsgaard has  
3 concluded that if he discusses controversial issues in DEIA matters or presents competing views  
4 on those issues, he will be deemed insufficiently “anti-racist” or accused of “weaponiz[ing]  
5 academic freedom” and “inflict[ing] curricular trauma” on his students.  
6

7           118. For instance, Palsgaard used to assign students Martin Luther King Jr.’s *Letter*  
8 *from Birmingham Jail* and Victor Davis Hanson’s *Mexifornia*. But he will no longer assign these  
9 books as a result of the DEIA Rules, because King’s letter includes a racial slur and both King  
10 and Hanson offer perspectives that are different from the “anti-racism” and “intersectionality”  
11 perspective mandated by the DEIA Rules. Palsgaard similarly used to assign pieces by William  
12 Faulkner or Flannery O’Connor but no longer assigns them because their books contain racial  
13 slurs.  
14

15           119. Palsgaard fears that if he assigns authors like King, Hanson, Faulkner, and  
16 O’Connor to students, he will be accused of “weaponiz[ing] academic freedom” and “inflict[ing]  
17 curricular trauma.”  
18

19           120. Palsgaard has also had his students watch and discuss recorded debates on  
20 controversial topics as part of his Critical Thinking class. In the past, he has shown students a  
21 debate on the death penalty that discusses whether the criminal justice system is systemically  
22 racist and a debate on the legalization of drugs that discusses whether the war on drugs resulted in  
23 racially inequitable outcomes. Palsgaard believes these videos are incredibly valuable because  
24 they encourage critical thinking and the consideration of multiple viewpoints about difficult and  
25 contentious issues. But by showing his students debates that present both the arguments in favor  
26 of the death penalty and against drug legalization, Palsgaard may be accused of failing to  
27 “promote[] a race-conscious and intersectional lens” and not being adequately “culturally  
28



1 affirming.” Palsgaard will therefore need to reconsider whether he can show these videos and  
2 encourage his students to engage in a discussion about them.

3 121. As of the current semester which began on August 7, 2023, Palsgaard is already  
4 being evaluated for how effectively he has integrated DEIA principles into his English classroom.

5 122. Palsgaard’s next performance evaluation will be in Spring 2026 and will be  
6 governed by DEIA Rules and Faculty Contract.

7 123. During his last tenure evaluation, Palsgaard responded to a question about DEIA  
8 by talking about the need for greater charity towards those who see the world differently and for  
9 more exposure to different viewpoints. If he answers in the same way under the new DEIA Rules  
10 and Faculty Contract, as he will have to because these are his deeply held beliefs, he fears his  
11 views will be deemed unacceptable and he will be denied a merit increase and disciplined or  
12 fired.  
13

14 124. Palsgaard fears he will be disciplined or dismissed from employment for  
15 “unsatisfactory performance” or a “persistent” or “willful violation” of the DEIA Rules and the  
16 DEIA requirements of the Faculty Contract if he continues to share his criticism of DEIA and  
17 anti-racism principles and not affirmatively teach and preach those principles in his classroom.  
18

19 ***C. Plaintiff Michael Stannard, Philosophy Professor***

20 125. Stannard has been a full-time professor at Clovis Community College since 2007  
21 and a tenured professor since 2011.

22 126. Stannard teaches Introduction to Philosophy, Ethics, Logic, World Religions, and  
23 Critical Thinking and Writing.  
24

25 127. Stannard discusses controversial topics implicating the DEIA Rules in his  
26 Introduction to Philosophy course, such as race, abortion, and gay marriage.  
27

1           128. Stannard tells students they can speak freely in his classes as long as they are  
2 making an argument and do not resort to name-calling. He encourages his students to engage in  
3 vigorous discussion about the topics they discuss and the assigned materials that they read.

4           129. Stannard believes that the use of “culturally affirming language” that speaks to  
5 people differently based on their race or ethnicity is patronizing, offensive, and isolates students  
6 based on race or ethnicity. He will not use it.

7           130. Stannard is unwilling to change his teaching approach because of the DEIA Rules  
8 and Faculty Contract.

9           131. In his Logic class, Stannard has students read a *New York Times* op-ed by Abigail  
10 Thernstrom titled “Testing the Easy Target,” which argues against efforts to eliminate  
11 standardized testing to eliminate racial disparities. Stannard asks his students to identify the  
12 author’s thesis and discuss the structure of her argument. But Stannard fears that if he continues  
13 to share this article with students, he will be accused of contradicting the “race-conscious and  
14 intersectional” viewpoints that the DEIA Rules demand and “inflicting curricular trauma” on his  
15 students.

16           132. Stannard assigns students Martin Luther King Jr.’s *Letter from Birmingham Jail*  
17 because it connects the pursuit of social justice to natural law and faith. But he is reconsidering  
18 whether he can assign this letter because it includes a racial slur and offers a different perspective  
19 from the “anti-racism” and “intersectionality” perspective mandated by the DEIA Rules.

20           133. Stannard is known to District Defendants and Clovis administrators for his  
21 criticism of DEIA and anti-racism. On July 31, 2023, he received permission from District  
22 Chancellor Goldsmith and Clovis President Kim Armstrong to distribute to roughly 30 colleagues  
23 a newsletter he wrote criticizing Ibram X. Kendi’s *How to Be An Antiracist* and critiquing the  
24 DEIA Rules.

1           134. As of the current semester which began on August 7, 2023, Stannard is already  
2 being evaluated for how effectively he has integrated DEIA principles into his Philosophy  
3 classroom.

4           135. Stannard's next performance evaluation will be in Spring 2024 and will be  
5 governed by the DEIA Rules and the Faculty Contract.

6           136. As part of the evaluation process, Stannard will be required to write a self-  
7 evaluation about his efforts to promote DEIA.

8           137. Stannard is worried that his self-evaluation will not satisfy the DEIA Rules  
9 because he will criticize "equity," "intersectionality" and "anti-racism." He risks negative  
10 professional repercussions if his viewpoint is labeled a "racial ideology" that "perpetuates racial  
11 inequalities and denies systematic racism," as specified by the *Glossary*. Exhibit F.

12           138. Stannard fears he will be disciplined or fired for "unsatisfactory performance" or a  
13 "persistent" or "willful violation" of the DEIA Rules and the DEIA requirements of the Faculty  
14 Contract if he continues to teach his courses in a manner contrary to the requirements of the  
15 DEIA Rules.

16  
17  
18           ***D. Plaintiff David Richardson, History Professor***

19           139. Richardson has taught History at Madera Community College full-time for 26  
20 years.

21           140. He teaches courses on American history, including Early and Modern American  
22 History as well as Early and Modern Western Civilization. He has also taught several other  
23 courses in the history department. His area of expertise is in the late Roman Republic.

24           141. Richardson's classes necessarily involve discussion of topics like discrimination,  
25 the Civil Rights Movement, and slavery.  
26  
27



1 142. For 26 years, Richardson has encouraged debates about controversial ideas, but he  
2 is now afraid to do so due to the new DEIA Rules.

3 143. He has discussed race and racism in his classes by examining the contrasting views  
4 of Booker T. Washington and W.E.B. Dubois, and Martin Luther King Jr. and Malcolm X. But  
5 Richardson fears that, under the DEIA Rules, he would be accused of “weaponiz[ing] academic  
6 freedom” and “inflict[ing] curricular trauma” if he assigns those materials.  
7

8 144. Because of the DEIA Rules, Richardson is likewise afraid to teach controversial  
9 facts, such as the existence of black plantation owners and slaveholders in the American  
10 Antebellum South, because such facts run contrary to the mandated “race-conscious and  
11 intersectional lens,” and may not be seen as “culturally affirming.”  
12

13 145. As of the current semester which began on August 7, 2023, Richardson is already  
14 being evaluated for how effectively he has integrated DEIA principles into his classroom.

15 146. Richardson’s next performance evaluation is in 2026 and will be governed by the  
16 DEIA Rules and the Faculty Contract.

17 147. As part of the evaluation process, Richardson will be required to write a self-  
18 evaluation about his efforts to promote DEIA.

19 148. Richardson is worried that his self-evaluation will not satisfy the DEIA Rules  
20 because he will criticize “equity,” “intersectionality” and “anti-racism.” He risks negative  
21 professional repercussions if his viewpoint is labeled a “racial ideology” that “perpetuates racial  
22 inequalities and denies systematic racism,” as specified by the *Glossary*. Exhibit F.  
23

24 149. Richardson fears he will be disciplined or fired for “unsatisfactory performance”  
25 or a “persistent” or “willful violation” of the DEIA Rules and the Faculty Contract if he continues  
26 to share his criticism of DEIA principles and not affirmatively teach and preach those principles  
27 in his classroom.

1 *E. Plaintiff Bill Blanken, Chemistry Professor*

2 150. Bill Blanken has been teaching chemistry at Reedley College full-time for 15  
3 years. Blanken teaches Introduction to Chemistry and Freshman Chemistry for Science Majors.

4 151. Blanken emphasizes to his students he will treat them equally and will reward  
5 those who work hard regardless of their skin color.

6 152. In Blanken's pedagogical and professional judgment, DEIA principles do not have  
7 a place in the Chemistry curriculum. There is little opportunity to discuss DEIA principles in the  
8 ordinary course of teaching Chemistry and Blanken does not want to include DEIA material  
9 unrelated to Chemistry because it would necessarily take up time otherwise spent on chemistry.  
10

11 153. When Blanken teaches about the history of chemistry he discusses well-known  
12 chemists such as Marie Curie and Robert Boyle without mentioning the chemist's race. Because  
13 he focuses on the scientists that have made the greatest impact on the study of Chemistry  
14 regardless of ethnicity or country of origin, he fears that if he continues to teach an accurate  
15 history, he will be accused of failing to adopt "culturally responsive practices and a social justice  
16 lens."  
17

18 154. As of the current semester which began on August 7, 2023, Blanken is already  
19 being evaluated for how effectively he has integrated DEIA principles into his Chemistry  
20 classroom.  
21

22 155. Blanken's next performance evaluation will be in Spring 2024 and will be  
23 governed by DEIA Rules and the Faculty Contract.

24 156. But Blanken does not believe that incorporating DEIA-related material is  
25 pedagogically relevant or appropriate and refuses to do so.

26 157. As part of the evaluation process, Blanken is required to write a self-evaluation  
27 about his efforts to promote DEIA.

1 158. Blanken is worried that his self-evaluation will not satisfy the DEIA Rules because  
2 he will say that he believes that everyone must be treated equally and in a color-blind manner  
3 regardless of race rather than adopting and promoting the race-conscious equity and “anti-racism”  
4 approach required under the DEIA Rules and the Faculty Contract. Indeed, he may face negative  
5 professional repercussions if evaluators view his ideas as a “racial ideology” that “perpetuates  
6 racial inequalities and denies systematic racism.”  
7

8 159. Blanken fears he will face negative professional repercussions under the DEIA  
9 Rules and Faculty Contract if he continues to share his criticism of DEIA and “anti-racism”  
10 principles and does not integrate DEIA principles into his Chemistry classroom in a  
11 pedagogically unsound and disruptive manner.  
12

13 160. Blanken fears he will be disciplined or fired for “unsatisfactory performance” or a  
14 “persistent” or “willful violation” of the DEIA Rules and the DEIA requirements of the Faculty  
15 Contract if he continues to share his criticism of DEIA and anti-racism principles, does not  
16 integrate DEIA principles into his Chemistry classroom, and does not affirmatively teach and  
17 preach those principles in his classroom.  
18

19 ***F. Plaintiff Linda de Morales, Chemistry Professor***

20 161. De Morales has taught Chemistry at Madera Community College for 8 years. She  
21 teaches General Chemistry (for science majors) and Organic Chemistry, instructing students in  
22 the lecture hall and the laboratory.  
23

24 162. De Morales, like Blanken, does not want to include DEIA material in her  
25 chemistry courses. And she does not plan to alter the teaching of the history of chemistry to focus  
26 on the race or ethnicity of scientists.  
27



1 163. De Morales tells her students that if they want to earn a good grade they need to  
2 earn it. But de Morales is now concerned that if she emphasizes the importance of “merit” that  
3 she will be accused of protect[ing] White Privilege under the guise of standards.”

4 164. For the last few years, de Morales showed her students the film “Hidden Figures,”  
5 a movie about three African-American female scientists at NASA who helped to pave the way for  
6 the successful launch of astronaut John Glenn into orbit. She shows this film to inspire her  
7 students to believe that they can achieve anything they put their minds to.

8 165. However, some accuse “Hidden Figures” of “white-washing” history by including  
9 a “white savior” figure.<sup>2</sup> De Morales is therefore worried that showing the film would violate the  
10 DEIA Rules because it might be viewed as inflicting “curricular trauma” on her students.

11 166. The principles of anti-racism embedded in the DEIA Rules violate de Morales’s  
12 deeply held moral and religious beliefs regarding the need to treat everyone equally in a color-  
13 blind manner. The DEIA Rules instead require de Morales to adopt the frameworks of “anti-  
14 racism” and “intersectionality” which require express race-consciousness.

15 167. De Morales worries that her endorsement of color-blindness will be considered a  
16 “racial ideology” that “perpetuates racial inequalities and denies systematic racism,” as it would  
17 be according to the *Glossary* the State Chancellor adopted. Exhibit F.

18 168. As of the current semester which began on August 7, 2023, de Morales is already  
19 being evaluated for how effectively she has integrated DEIA principles into her Chemistry  
20 classroom.  
21  
22  
23  
24  
25

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26 <sup>2</sup> See Dexter Thomas, *Oscar Nominated Film ‘Hidden Figures’ was Whitewashed – but it didn’t have to be*, VICE  
27 (Jan. 25, 2017), <https://www.vice.com/en/article/d3xmja/oscar-nominated-hidden-figures-was-whitewashed-but-it-didnt-have-to-be>.