

constitutional rights to free speech and protection against unreasonable search of Plaintiffs bodies as well as state tort claims for civil conspiracy.

2.

state rights under color of state law in bad faith and with malicious purpose in reckless, wanton,

I. JURISDICTION AND VENUE

3. Plaintiffs bring this action pursuant 42 U.S.C. § 1983 for violations of civil rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution.

4. This Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights); 28 U.S.C. § 1367 provides supplemental jurisdiction over the state law tort claims that arose from the same common nuclei

III. FACTUAL ALLEGATIONS

1. Valencia State College is a State of Florida educational institute located solely within the Middle District of Florida.

2. Valencia State College has its own rules of governance, policies, and procedures. Each state college in Florida operates independently from other state colleges, and each state college is governed by its own Board of Trustees.

Board of Trustees in its official capacity, for the actions of its co-defendants, who are Valencia employees. See *Monell v. Dept. of Social Services of City of New York*, 436 U.S. 658 (1978), *inter alia*.

3. All defendants are State actors, and as such, the United States Constitution

4. ritten or unwritten, allowed, encouraged or enabled Defendants Shaheen, Ball, and Bugnacki constitutional rights and conspire to commit these constitutional violations. Furthermore, Valencia has ratified its co- behavior in subsequent administrative hearings.

5.

Fourth Amendment rights under the United States Constitution.

7. Plaintiffs were formerly enrolled in Sonography Program in 2013. The Medical Diagnostic Sonography Program is highly competitive and Valencia State College admits only a handful of students each year; therefore, [redacted] ies to get into the program and maintain their grade point averages.

8. Plaintiffs also had to review the Medical [redacted] guidelines and requirements before acceptance [redacted]. After acceptance into the program, Valencia State College required Plaintiffs to attend an orientation that further [redacted]

During that orientation, Valencia State College had a second year student, Jennifer Astor [redacted]

[redacted] ed the Medical [redacted] faculty believed that students should undergo invasive transvaginal ultrasound procedures in order to become better sonography technicians. Valencia positioned these transvaginal probes as voluntary, but its actual policy and practice was that they were not.

9. [redacted] established and widespread policy was to browbeat students who did not consent [redacted] ing as [redacted]

10. A transvaginal ultrasound probe is a procedure a technician uses an ultrasound transducer to detect problems with fertility (among others). See

program had a male student who would also probe the female Plaintiffs on a regular basis. Defendant Ball told Plaintiffs they could find another school if they did not wish to be probed. This is despite the fact that Defendant Shaheen had described the probes as voluntary and not a program requirement during Orientation in April 2013.²

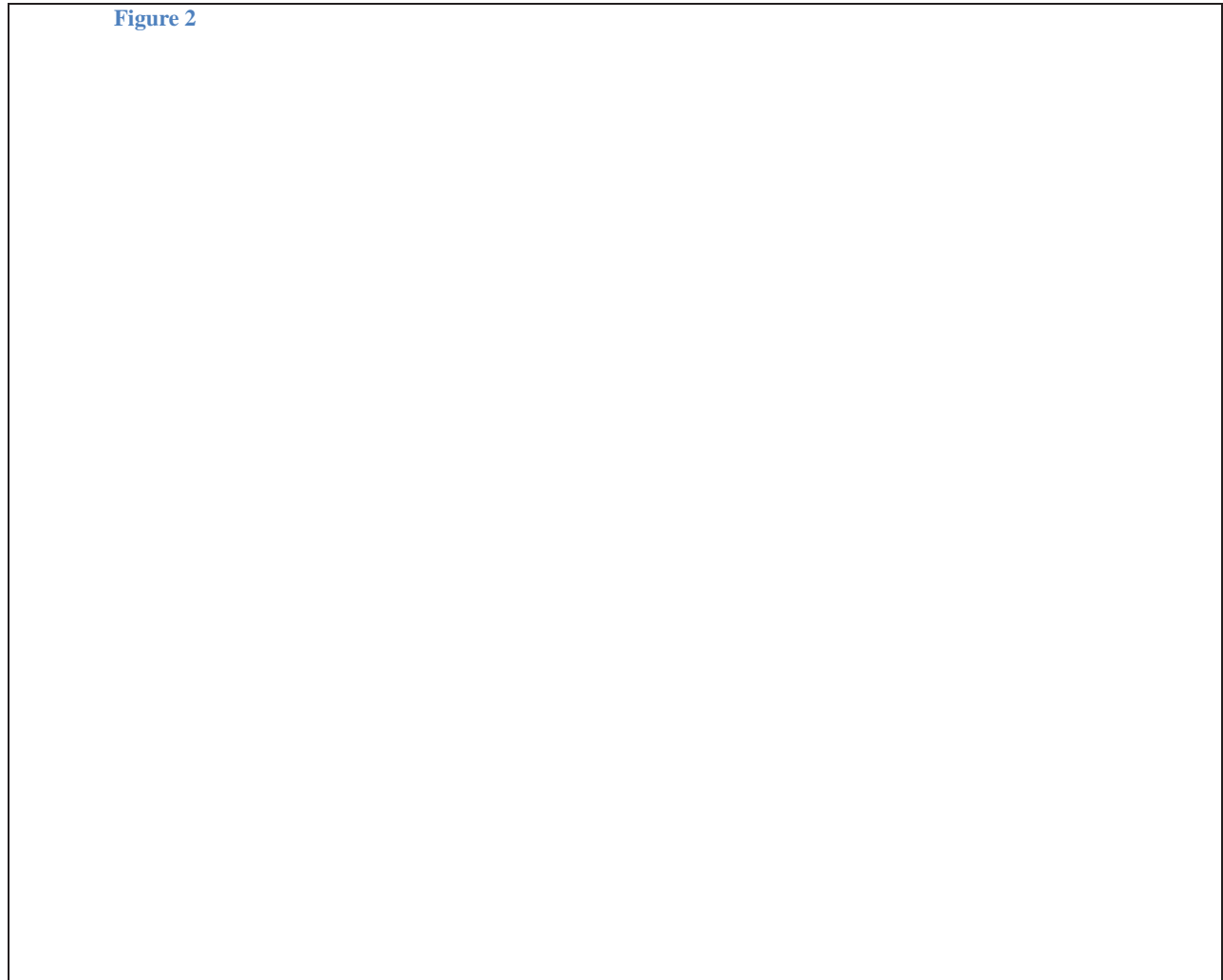
14. In March 2014, Plaintiffs and their Program cohorts began practicing ultrasound vaginal probes upon one another. Plaintiffs endured these invasive probes nearly every anatomically correct simulators designed specifically for students to practice sonography exams upon them.³

15. Additionally, Plaintiffs and all other students had clinical practice at Central Florida hospitals where Plaintiffs practiced upon actual patients in a medical setting. There was no State rational basis or need for Valencia State College to force Plaintiffs to endure these invasive probes of their reproductive organs.⁴

16. Plaintiffs endured these invasive probes without a modicum of privacy. Plaintiffs would disrobe in a restroom, drape themselves in towels, and traverse the

2

Sonography classroom in full view of instructors and other students to reach one of the four Sonography Stations. See Plaintiffs' Incorporated Exhibit Figure 2 (below).



17. A student would place a condom over the probe and then apply generous amounts of lubrication to the probe. In some cases, the student would have to sexually

18. In March 2014, Plaintiff Doe II complained to Defendant Shaheen about the unnecessary vaginal probes. Defendant Shaheen stated Plaintiffs would be academically and professionally penalized for not submitting to the forced vaginal probes.

19.

other instructors conspired to have students petition Valencia State College to reinstate its policy of coerced vaginal probing female students

their policies of coerced vaginal probing of students after the furor of this case dies down unless this Court enters and order forbidding the practice of forcing unwilling students to undergo State-mandated reproductive organ probings.⁵

23. These deprivations under color of state law are actionable under and may be redressed by 42 U.S.C. §1983.

U.S.C. §1988 if and when they prevail.

IV. COUNTS

COUNT I: § 1983 CLAIM OF RETALIATION FOR EXERCISE OF FIRST AMENDMENT PROTECTED FREE SPEECH ACTIVITY AGAINST DEFENDANTS BALL, SHAHEEN & BUGNACKI

24. Plaintiffs re-allege and incorporates by reference all of the preceding paragraphs in this complaint.

25. Defendants Ball, Shaheen & Bugnacki personally, maliciously, and under color of Constitution, which are secured through the Fourteenth Amendment, by maliciously retaliating against Plaintiffs government activity of great public interest of which Plaintiffs disapproved and protested

⁵ Pl _____ or hired models so long as there are proper constitutional safeguards in place **and** ensure Defendants obtain full and proper consent. Forced consent, though, particularly in a school setting, is not consensual. Plaintiffs believe injunctive relief is the only safeguard against further forced vaginal probes.

26. In depriving Plaintiffs of these rights, Defendants committed these unlawful violations under color of state law in bad faith and with malicious purpose in reckless,

27. This deprivation under color of state law is actionable under and may be

33. Defendants Ball, Shaheen & Bugnacki conspired together to commit illegal

Amendment as applied to the States via the Fourteenth Amendment. These coerced vaginal probes by State employees were done without a warrant and with reckless indifference to

34. Defendants conspired to retaliate against Plaintiffs for Plaintiffs' clearly established First Amendment

39. Valencia official and unofficial policies and customs encouraged, caused, allowed, and/or enabled Defendants Ball, Shaheen & Bugnacki to violate Plaintiffs constitutional and state rights without fear of discipline for those violations. See *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978).

40.

A.

