

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-324-C
)	
1. SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY, and)	
)	
2. THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA)	
)	
Defendants.)	

**ANSWER OF DEFENDANT REGIONAL UNIVERSITY SYSTEM OF
OKLAHOMA TO PLAINTIFF/INTERVENOR’S COMPLAINT**

Defendant, Regional University of Oklahoma, (“RUSO”), for its answer to Plaintiff/Intervenor’s Complaint in Intervention (“Complaint”), admits allegations of Plaintiff/Intervenor (“Plaintiff”) contained in the Complaint only to the extent specifically set forth below. To the extent any matters are not explicitly admitted, they are denied. RUSO hereby provides its Answer as follows¹:

1. RUSO admits the allegations in Paragraph 1 of the Complaint.
2. In response to Paragraph 2, RUSO admits SEOSU is a member of the Oklahoma state system of higher education and is part of RUSO. RUSO denies that SEOSU and RUSO are a single employer for all relevant purposes. RUSO admits RUSO’s Board of Regents is the governing board for SEOSU, and that RUSO’s Policy Manual

¹ Paragraphs are numbered to correlate with the Complaint paragraphs to which they respond.

addresses the manner in which RUSO's and SEOSU's operations interrelate. RUSO admits RUSO has the power to fix compensation and personnel duties at SEOSU, but RUSO has the power to delegate that power to the respective presidents pursuant to 70 O.S. §3510(d), which it has done. RUSO denies SEOSU's President must report to RUSO on all matters related to employment, discipline, and termination of faculty.

3. In response to Paragraph 3, RUSO admits this Court has jurisdiction over Plaintiff's Counts II and III, but denies this Court has jurisdiction over Count I.
4. RUSO admits the allegations in Paragraph 4.
5. RUSO admits the allegations in Paragraph 5.
6. In response to Paragraph 6, RUSO admits Dr. Tudor filed a charge of discrimination, but denies the allegations contained in such charge. RUSO lacks sufficient knowledge or information to admit or deny the allegations regarding DOE's alleged referral to EEOC.
7. In response to Paragraph 7, RUSO admits Dr. Tudor supplemented her charge of discrimination, but denies the allegations contained in the supplemental charge.
8. In response to Paragraph 8, RUSO admits the EEOC notified Defendants of the supplemental charge of discrimination, that EEOC allegedly investigated these charges, and that EEOC contends the investigation revealed Dr. Tudor was subjected to sex discrimination and retaliation. SEOSU admits that EEOC subsequently referred the case to the U.S. Department of Justice. RUSO denies that reasonable cause was found to believe SEOSU discriminated or retaliated against Dr. Tudor. RUSO also denies the EEOC notified Defendants of its reasonable cause or its

findings. Specifically, EEOC continually refused to provide Defendants with any facts or evidence that allegedly supported EEOC's findings. RUSO denies EEOC attempted to conciliate the charges in good faith, and further states that EEOC refused SEOSU's request for mediation, notifying SEOSU that this charge was not eligible for mediation. RUSO admits the EEOC did not render a determination on the issue of hostile work environment, because that issue was not presented by Dr. Tudor to the EEOC, nor raised by the facts alleged in Dr. Tudor's charges.

9. RUSO denies the allegations in Paragraph 9.
10. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 10.
11. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 11.
12. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 12.
13. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 13.
14. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 14.
- 15.-20. In response to Paragraphs 15-20, Defendant states these paragraphs do not assert specific or relevant facts or allegations against RUSO, do not relate to the claims in this lawsuit, contain immaterial or impertinent matter, and therefore do not require a response.

21. RUSO denies any discrimination occurred, as alleged in Paragraph 21.
- 22-36. In response to Paragraphs 22-36, Defendant states these paragraphs do not assert specific or relevant facts or allegations against RUSO, do not relate to the claims in this lawsuit, contain immaterial or impertinent matter, and therefore do not require a response.
37. In response to the allegations in Paragraph 37, RUSO admits Dr. Tudor began working at SEOSU in 2004 pursuant to a tenure track one year appointment, which had to be renewed on an annual basis for Dr. Tudor to continue employment at SEOSU. RUSO further admits Dr. Tudor presented as a man when hired by SEOSU, but denies the remaining allegations.
38. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 38.
39. RUSO admits the allegations in Paragraph 39.
40. RUSO admits Cathy Conway, SEOSU's HR Director in 2007, contacted Dr. Tudor to discuss transition as a female, but RUSO denies all remaining allegations contained in Paragraph 40.
41. RUSO admits Dr. Tudor began to go by the name "Rachel Tudor" and present as a female at work during the 2007-2008 academic year, but is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 41.
42. RUSO denies the allegations in Paragraph 42, and further states that Jane McMillan and Vice President McMillan specifically denied these allegations when interviewed by EEOC and/or the U.S. Department of Justice.

43. RUSO denies the allegations in Paragraph 43.
44. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 44.
45. RUSO denies the allegations in Paragraph 45.
46. RUSO denies the allegations in Paragraph 46.
47. RUSO denies the allegations in Paragraph 47.
48. RUSO admits SEOSU has never counseled nor directed a transgender or a nontransgender professor, as alleged in Paragraph 48.
49. RUSO admits SEOSU has never counseled a transgender nor nontransgender professor regarding the allegations in Paragraph 49.
50. RUSO denies the allegations in Paragraph 50.
51. RUSO denies the allegations in Paragraph 51.
52. RUSO denies the allegations in Paragraph 52.
53. RUSO denies the allegations in Paragraph 53, and further states Dr. Tudor never complained nor filed a grievance regarding bathroom accommodations, was never disciplined nor received any adverse employment action for not using a particular restroom, nor were any complaints received from handicapped persons regarding Dr. Tudor's use of the single stall restroom.
54. RUSO denies the allegations in Paragraph 54.
55. RUSO denies the allegations in Paragraph 55.
56. RUSO denies the allegations in Paragraph 56.

57. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 57. RUSO further states Dr. Tudor never complained nor filed a grievance regarding bathroom accommodations, was never disciplined nor received any adverse employment action for not using a particular restroom, nor were any complaints received from handicapped persons regarding Dr. Tudor's use of the single stall restroom.
58. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 58. RUSO further states Dr. Tudor never complained nor filed a grievance regarding bathroom accommodations, was never disciplined nor received any adverse employment action for not using a particular restroom, nor were any complaints received from handicapped persons regarding Dr. Tudor's use of the single stall restroom.
- 59.-63. In response to Paragraphs 59-63, RUSO states these paragraphs do not assert specific or relevant facts or allegations against RUSO, or relate to the claims in this lawsuit, and therefore do not require a response.
64. RUSO denies the allegations in Paragraph 64.
65. In response to the allegations in Paragraph 65, RUSO lacks sufficient knowledge or information to admit or deny the allegations.
66. RUSO admits female professors wore female clothing, including skirts of varying length, during Dr. Tudor's employment with SEOSU. RUSO lacks sufficient

knowledge or information to admit or deny the remaining allegations in Paragraph 66.

67. RUSO admits the health insurance plan offered to all of its employees contained numerous exclusions, including the following exclusion: “For transsexual Surgery or any treatment leading to or in connection with transsexual surgery. RUSO further states that Dr. Tudor never complained about this provision of the insurance policy, never requested that Southeastern or RUSO obtain a particular insurance policy or one that would cover particular treatments or medications, and to the best of RUSO’s knowledge never appealed the denial of any insurance claims for any exception.
68. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 68.
69. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 69.
70. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 70.
71. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 71.
72. RUSO admits, as alleged in Paragraph 72, the policy requires assistant professors to obtain tenure before the end of their seventh year as an assistant professor or their employment contract will not be renewed. However, with permission from SEOSU President Minks to seek a one year extension from the RUSO Board, V.P. McMillian

offered Dr. Tudor the ability to remain past the seven years so that she could have two years to fully address and supplement her portfolio for tenure. Dr. Tudor declined this offer, and was aware that as a result, her employment with SEOSU would end in May 2011.

73. RUSO admits that the process governing applications for promotion and tenure is set forth in SEOSU's "Procedure for Granting Promotion and Tenure." RUSO further states that only tenure is forwarded to the Board if the President recommends it. If the President agrees to a promotion, then that is a final decision.
74. RUSO denies the allegations in Paragraph 74. A notification letter is provided to each candidate regarding the decision at each level. At the end of the tenure process, the candidate is given a detailed letter documenting the reasons for denial or approval. Dr. Tudor received the notification letters and a detailed letter outlining the reasons for tenure denial.
75. RUSO admits the allegations in Paragraph 75.
76. RUSO admits the allegations in Paragraph 76.
77. RUSO admits that Paragraph 77 contains statements included in SEOSU's Academic Policies and Procedures, but it presents a distortion of the process because it does not contain all of the applicable statements regarding the tenure process and the various levels of review. Specifically, Paragraph 77 omits the significant roles played by the Dean, Vice President of Academic Affairs, and the President, as well as the role played by the RUSO Board.

78. RUSO is without sufficient knowledge or information to admit or deny whether preparations were taken by Dr. Tudor in the summer of 2009, as alleged in Paragraph 78. In addition, Dr. Tudor had applied for tenure and promotion to the position of Associate Professor the year before, in 2008, at which time the Department's Tenure and Promotion Committee for Dr. Tudor voted 5-0 against a recommendation for Tenure and Promotion. Upon the advice of a committee member, Tudor withdrew her application and portfolio.
79. RUSO admits the allegations in Paragraph 79.
80. RUSO admits it was at this meeting that Dean Scoufos learned Dr. Tudor was a transgender woman, but denies the remaining allegations in Paragraph 80.
81. In response to paragraph 81, Defendant states this paragraph does not assert specific or relevant facts or allegations against RUSO, does not relate to the claims in this lawsuit, and therefore does not require a response.
82. As alleged in Paragraph 82, RUSO admits Dr. Tudor told Dean Scoufos that she believed another faculty member in her Department had been discriminating against her since she had begun to present as a woman, and that she would prefer this member not serve on the Faculty Committee that would review her portfolio. When Dean Scoufos asked Dr. Tudor why she believed that faculty member was discriminating against her, Tudor stated that after her change, the faculty member did not ask Dr. Tudor to accompany the honor students on field trips, such as cultural events to Dallas. Upon investigation, Dean Scoufos learned the honor trips had been

stopped completely, and were wholly unrelated to Dr. Tudor. RUSO denies the remaining allegations.

83. RUSO admits the allegations in Paragraph 83.

84. RUSO admits the allegations in Paragraph 84.

85. RUSO admits the allegations in Paragraph 85.

86. RUSO admits the allegations in Paragraph 86, but further states that notification letters do not contain explanations. Dr. Tudor received an explanation letter from Dr. McMillan after the process was complete, which was the standard procedure.

87. RUSO admits the allegations in Paragraph 87.

88. RUSO admits the allegations in Paragraph 88, but further states that notification letters do not contain explanations. Dr. Tudor later received an explanation letter. All candidates receive explanation letters once the process is complete.

89. RUSO admits the allegations in Paragraph 89.

90. RUSO admits that prior to Dr. Tudor receiving her explanation letter; she asked Vice President McMillan and Dean Scoufos for an explanation. Applicants are not permitted to have these types of discussions during the review process. RUSO denies the remaining allegations in Paragraph 90, but further states that upon Dr. Tudor's request, she was allowed to place a document in her portfolio prior to the President's review.

91. RUSO admits the allegations in Paragraph 91, because it was against SEOSU's policy to provide feedback to candidates during the tenure and promotion process,

and thus, no candidates are given feedback until the end of the process. As previously stated, Dr. Tudor was provided an explanation at the end of the process.

92. RUSO denies the allegations in Paragraph 92, and specifically states Dr. Tudor was treated no differently than other tenure applicants. After their portfolio submissions, applicants may be permitted to add publications to their portfolios. Dr. Tudor was given permission, and added a publication to her portfolio subsequent to its submission. RUSO further states that Dr. Tudor was afforded the same opportunity as all other tenure applicants in her position, when SEOSU gave her the option to withdraw her deficient application (pre-denial) so that she could improve the application packet and then resubmit it for consideration.
93. RUSO admits that despite Dr. Tudor's knowledge of the tenure process, including the policy that explanations are not given until the tenure process is completed, she requested special treatment by filing a grievance, as alleged in Paragraph 93. Tudor was inappropriately attempting to obtain information that no candidate receives prior to completion of the tenure and promotion process.
94. RUSO admits the allegations in Paragraph 94, and states that Tudor was provided an explanation at the end of the process.
95. RUSO admits President Minks designated the Assistant Vice President to communicate to Dr. Tudor the FAC's recommendation and his decision regarding compliance with the recommendation. RUSO denies the remaining allegations in Paragraph 95.

96. RUSO admits the Assistant Vice President determined policy would be followed, and Tudor would not be given an explanation until the end of the process. RUSO denies the remaining allegations in Paragraph 96.
97. Candidates are not allowed to supplement their portfolios during the review process, except to add publications that are received after the portfolio has been submitted and before the process is complete. Dr. Tudor was allowed to add a publication during the review process. RUSO denies the remaining allegations in Paragraph 97.
98. RUSO admits the allegations in Paragraph 98.
99. RUSO denies the allegations in Paragraph 99 to the extent it omits that prior to denying tenure, candidates are frequently given the option to withdraw their applications for tenure and promotion. The option may be proposed by the P&T Review Committee, the Department Chair, the Dean, or a higher administrative official. Dr. Tudor was given the option of withdrawing her application and was given an offer of additional time, i.e. two years, to resubmit her application, but Dr. Tudor declined this offer. Dr. Tudor's decision to decline this offer in light of the consequences of tenure denial was unprecedented.
100. RUSO cannot admit or deny the date which Dr. Tudor received Vice President McMillan's explanation letter; RUSO admits the remaining allegations in Paragraph 100.
101. RUSO denies the allegations in Paragraph 101. The explanation letter received by Dr. Tudor sets forth clear and distinct bases for denial of promotion and tenure, giving specific examples of the inadequacies of her research/scholarship and her

university service. It was because of these significant inadequacies that prior to the completion process, Dr. Tudor was given the option of withdrawing her application and given two years to bolster her portfolio so that it would meet the policy requirements for tenure and promotion.

102. RUSO denies the allegations in Paragraph 102. It is the candidate's responsibility to provide accurate and complete information in her portfolio to support all claims of publications, editorship, and responsibilities.
103. RUSO denies the allegations in Paragraph 103. SEOSU has allowed re-application for promotion, but never for tenure.
104. RUSO has no knowledge of the date Dr. Tudor informed her Department Chair of an intent to re-apply for promotion and/or tenure but admits the remaining allegations in Paragraph 104.
105. RUSO admits Dr. Tudor submitted a grievance to President Minks on August 30, 2010 entitled "Improprieties and Due Process Violations by Administrators in Tenure and Promotion Process." In September 2010, the FAC sent a letter with its findings to Dr. Tudor, which stated, in part, that the FAC "concluded that the information required by the Academic Policies and Procedures Manual (APPM,4.4.6,1b.) was not provided." The FAC letter also concluded that "it is not empowered to address the issue of due process related to promotion and tenure". Given these two findings, the FAC concluded that it was "unable to act on the grievance." RUSO denies the remaining allegations in Paragraph 105.

106. RUSO denies the allegations in Paragraph 106 in that they are incomplete and do not accurately reflect the contents and meaning of the October 2010 letter.
107. RUSO denies the allegations in Paragraph 107 in that they are incomplete and do not accurately reflect the contents and meaning of the October 2010 letter.
108. RUSO admits the allegations in Paragraph 108. No candidate for tenure is allowed to reapply after final review and denial, and Dr. Tudor was aware of the consequences of her refusal to withdraw her application for tenure the previous year.
109. RUSO denies that the contents and meaning of the letter are accurately reflected, but admits that, in response to Dr. Tudor's grievance, as alleged in Paragraph 109, Vice President McMillan sent a letter to the FAC setting forth the entire rationale for not allowing Dr. Tudor to re-apply for tenure and promotion.
110. RUSO admits Dr. Tudor submitted four letters of recommendation from tenured SEOSU English professors, but denies the remaining allegations in Paragraph 110. As set forth in Vice President McMillan's letter to the FAC, "a review of the letters supplied by Dr. Tudor in support of her grievance do not suggest substantial improvements in her scholarly activity or service in the five months since she was notified by the President of his decision to deny her application for tenure and promotion. In fact, many of the activities cited in the letters were present in her 2009-2010 portfolio."
111. RUSO is without sufficient knowledge or information to admit or deny the allegations in Paragraph 111, but denies that such claims were supported by the

contents of Dr. Tudor's portfolio, as detailed in Vice President McMillan's letters to Dr. Tudor and to the FAC.

112. RUSO admits the FAC recommended SEOSU permit Dr. Tudor to reapply for tenure and promotion, as alleged in Paragraph 112, but Vice President McMillan appealed the FAC's decision to President Minks, and provided a detailed memorandum supporting the appeal.
113. RUSO admits the general subject matter of the allegations in Paragraph 113, but denies that Vice President Walkup's letter is accurately summarized. Vice President Walkup's letter was extremely detailed, setting forth the applicable policies and procedures pertaining to promotion and tenure, and explaining the "terminal year rule", including that withdrawal of the application is the only way to avoid the "terminal year rule". His letter further explained the policy prohibiting renewal of appointment for a seven-year faculty member that had not obtained tenure, and that renewal could occur only if the President made a specific recommendation for waiver of policy. RUSO further states that SEOSU is not bound by FAC recommendations, but may consider them.
114. RUSO admits the allegations in Paragraph 114, but denies SEOSU discriminated against Dr. Tudor when it denied her 2009-2010 application for tenure, or at any other time during Dr. Tudor's employment at SEOSU.
115. RUSO admits Dr. Tudor filed a discrimination complaint with DOE as alleged in Paragraph 115, but denies SEOSU discriminated against Dr. Tudor when it denied her 2009-2010 application for tenure, or at any other time during Dr. Tudor's

employment at SEOSU. RUSO lacks sufficient knowledge to admit or deny the remaining allegations.

116. RUSO admits the allegations in Paragraph 116, but denies SEOSU retaliated or discriminated against Dr. Tudor because of her discrimination complaint, or at any other time during Dr. Tudor's employment at SEOSU.
117. As alleged in Paragraph 117, RUSO admits Dr. Stubblefield issued a report addressing Dr. Tudor's discrimination and retaliation complaints, and that Dr. Stubblefield, after a thorough investigation of all relevant facts and circumstances, found that Southeastern had not discriminated against or retaliated against Dr. Tudor.
118. RUSO denies the allegations in Paragraph 118.
119. RUSO denies the allegations in Paragraph 119. Dr. Tudor's contract was non-renewed due to her failure attain tenure.
120. RUSO admits that after Dr. Tudor's application for tenure was denied, (and thus her contract would not be renewed after the academic year 2010-2011), the Faculty Senate (of which Dr. Tudor was a member) gave this award to Dr. Tudor, as alleged in Paragraph 120. There are no specific requirements to receive this award.
121. RUSO admits that Dr. Tudor's employment was not renewed after the 2010-2011 academic year, but lacks sufficient knowledge or information to admit or deny any other allegations in Paragraph 121.
122. In response to Paragraph 122, RUSO admits Dr. Tudor is seeking this remedy, but denies the alleged importance.

123. In response to paragraph 123, Defendant states this paragraph does not assert specific or relevant facts or allegations against RUSO, does not relate to the claims in this lawsuit, and therefore does not require a response.
124. In response to paragraph 124, Defendant states this paragraph does not assert specific or relevant facts or allegations against RUSO, does not relate to the claims in this lawsuit, and therefore does not require a response.
125. In response to paragraph 125, Defendant states this paragraph does not assert specific or relevant facts or allegations against RUSO, does not relate to the claims in this lawsuit, and therefore does not require a response.
126. In response to paragraph 126, Defendant states this paragraph does not assert specific or relevant facts or allegations against RUSO, does not relate to the claims in this lawsuit, and therefore does not require a response.
127. RUSO lacks sufficient knowledge or information to admit or deny the allegations regarding Northern Michigan University. RUSO admits Dr. Tudor was offered a professorship at SEOSU, and that she failed to obtain tenure due to the inadequacies of her portfolio, but lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 127. In further response to Paragraph 127, Defendant states that the allegations relating to SEOSU's geographic location and any historical boundary(ies) within which it might lie are not specific or relevant facts or allegations against SEOSU, do not relate to the claims in this lawsuit, and therefore do not require a response.

128. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 128.

129. RUSO lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 129.

130-159. The allegations referenced in paragraph 130-159 of the Complaint relate to Count One, Hostile Work Environment Based on Sex. Defendants will be filing a Motion to Dismiss Count I, and therefore, no answer to these paragraphs is necessary at this time. RUSO reserves the right to answer paragraphs 130-159, if necessary, after the Court's ruling on the Motion to Dismiss.

160. In response to Paragraph 160, RUSO adopts and realleges its responses to Paragraphs 1-159.

161. RUSO denies the allegations in Paragraph 161.

162. RUSO denies the allegations in Paragraph 162. Further, this paragraph omits that prior to being denied tenure, candidates are frequently given the option to withdraw their applications for tenure and promotion. The option may be proposed by the P&T Review Committee, the Department Chair, the Dean, or a higher administrative official. Dr. Tudor was given the option of withdrawing her application prior to denial, and was given an offer of additional time, i.e. two years, to resubmit her application, but Dr. Tudor declined this offer. Dr. Tudor's decision

to decline this offer in light of the consequences of tenure denial was unprecedented.

163. RUSO denies the allegations in Paragraph 163.

164. RUSO denies the allegations in Paragraph 164.

165. RUSO denies the allegations in Paragraph 165.

166. RUSO denies the allegations in Paragraph 166.

167. RUSO denies the allegations in Paragraph 167.

168. RUSO denies the allegations in Paragraph 168.

169. RUSO denies the allegations in Paragraph 169.

170. RUSO denies the allegations in Paragraph 170.

171. RUSO denies the allegations in Paragraph 171.

172. RUSO denies the allegations in Paragraph 172.

173. RUSO denies the allegations in Paragraph 173.

174. In response to paragraphs 174, RUSO adopts and realleges its responses to Paragraphs 1-173.

175. RUSO denies the allegations in Paragraph 175.

176. RUSO denies the allegations in Paragraph 176.

177. RUSO denies the allegations in Paragraph 177.

IN RESPONSE TO PLAINTIFF'S PRAYER FOR RELIEF, AND EACH OF ITS SUBPARTS, RUSO STATES THE FOLLOWING:

Defendants did not engage in any discriminatory or retaliatory conduct, and therefore Plaintiff is not entitled to any of her requested relief.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to exhaust administrative remedies.
2. Plaintiff has failed to conciliate in good faith.
3. Plaintiff has failed to mitigate damages.
4. All actions by Defendants regarding Dr. Tudor were non-discriminatory, done in good faith, and done for legitimate business reasons.
5. Plaintiff was denied tenure and promotion because her work and her service did not meet the necessary standards, and therefore her portfolio did not meet SEOSU's policy requirements.
8. Plaintiff was given the opportunity to withdraw her portfolio due to the likelihood of tenure and promotion denial, but she refused.
7. Some or all of Plaintiff's claims are barred by statutes of limitations and/or laches.
8. SEOSU and RUSO are not a "single employer" as alleged by Plaintiff.
9. Failure to state a claim upon which relief can be granted.
10. Transgender is not a protected class under Title VII.

11. To the extent that Plaintiff pursues unfounded claims and claims for which it relies upon facts known to be untrue, and intentionally presents facts in a misleading fashion to the Court that are frivolous at best, SEOSU will pursue costs and attorney's fees from Plaintiff.
12. After-acquired evidence.
13. Eleventh Amendment immunity.
14. Sovereign immunity pursuant to the Tenth Amendment to the U.S. Constitution.

/s/Dixie L. Coffey

DIXIE L. COFFEY, OBA#11876

Assistant Attorney General

Oklahoma Attorney General's Office

Litigation Division

313 NE 21st Street

Oklahoma City, OK 73105

Telephone: 405.521.3921

Facsimile: 405.521.4518

Email: dixie.coffey@oag.ok.gov

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of May, 2015, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Allan Townsend
Delora Kennebrew
Meredith Burrell
Shayna Bloom
US Dept of Justice Civil Rights Division-DC
950 Pennsylvania Avenue NW
Rm 49258 PHB
Washington, DC 20530
Allan.Townsend@usdoj.gov
delora.kennebrew@usdoj.gov
meredith.burrell@usdoj.gov
Attorneys for United States of America

Brittany Novotny
401 N. Hudson Ave
Oklahoma City, OK 73102
brittany.novotny@gmail.com
Attorney for Intervenor Plaintiff

Jillian Weiss
Ezra Young
Law Office of Jillian T. Weiss, P.C.
P.O. Box 642
Tuxedo Park, NY 10987
jtweiss@jtweisslaw.com
eyoung@jtweisslaw.com
Attorney for Intervenor Plaintiff

Mithun Mansinghani
Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105
Mithun.mansinghani@oag.ok.gov
Attorney for Defendants

/s/ Dixie Coffey
Dixie Coffey