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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**EUGENE DIVISION**

Elizabeth HUNTER; et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION; and  
Catherine LHAMON, in her official capacity as  
Assistant Secretary for the Office of Civil Rights, U.S.  
Department of Education,

Defendants,

v.

COUNCIL FOR CHRISTIAN COLLEGES &  
UNIVERSITIES, WESTERN BAPTIST COLLEGE  
d/b/a CORBAN UNIVERSITY, WILLIAM JESSUP  
UNIVERSITY AND PHOENIX SEMINARY,

Intervenor-Defendants.

Case No. 6:21-cv 00474-AA

**DECLARATION OF PAUL  
CARLOS SOUTHWICK**

I, Paul Carlos Southwick, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. Attached as Exhibit A is OCR Letter re: Lincoln Christian University Investigation (January 7, 2022).
3. Attached as Exhibit B is OCR Email Correspondence re: Lincoln Christian University Investigation (January 10, 2022)

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 10th day of January, 2022.

By: s/Paul Carlos Southwick  
Paul Carlos Southwick

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37<sup>TH</sup> FLOOR  
CHICAGO, IL 60604

REGION V  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

January 7, 2022

Ms. Lauren Swain  
8532 N. Ivanhoe St., Suite 203  
Portland, OR 97203

Sent via email only to: [lauren@paulsouthwick.com](mailto:lauren@paulsouthwick.com)

OCR Case No. 05-22-2023

Dear Ms. Swain:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its evaluation of the complaint you filed against Lincoln Christian University (University) on October 28, 2021. You allege that in August 2021, the University discriminated against Kalie Hargrove (Student A) on the basis of sex (gender identity) by directing her either to withdraw from classes or face discipline because she publicly identified as transgender.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 - 1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX. Title IX and its implementing regulation contain several exemptions and exceptions from their coverage. *See* 20 U.S.C. §§ 1681(a)(1)-(9); 34 C.F.R. §§ 106.11-106.15; *see also* OCR's [webpage on exemptions from Title IX](#). The University may claim an exemption from the application of Title IX and its implementing regulation to this complaint by contacting OCR.

OCR is opening an investigation into the complaint. Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint. OCR will ensure that its investigation addresses the complaint allegation and complies with OCR's *Case Processing Manual*.<sup>1</sup>

Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

It is also important for you to understand that the laws OCR enforces prohibit the University from harassing, coercing, intimidating, discriminating, or otherwise retaliating against you

<sup>1</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

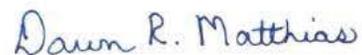
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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because you filed a complaint or participated in the complaint resolution process. If this happens, you may file another complaint with OCR.

We will communicate with you periodically regarding the status of your complaint. If you have any questions about this letter, you may contact Michael O'Donnell, Senior Attorney, at [michael.odonnell@ed.gov](mailto:michael.odonnell@ed.gov).

Sincerely,

A handwritten signature in blue ink that reads "Dawn R. Matthias". The signature is written in a cursive style.

Dawn R. Matthias  
Team Leader

**RE: OCR Complaint #05-22-2203**

O'Donnell, Michael &lt;Michael.ODonnell@ed.gov&gt;

Mon 1/10/2022 9:08 AM

To: Lauren Swain &lt;lauren@paulsouthwick.com&gt;

Cc: Joe Baxter &lt;joe@paulsouthwick.com&gt;; Malik, Samia &lt;samia.malik@edgov&gt;

Ms. Swain:

I work with Dawn Matthias and am pleased to respond to your request. Dawn was replying on my behalf while I was away from the office.

OCR directed the University to respond within 20 days from the date of its letter—i.e., by January 27, 2022. If you would like a copy of OCR's letter to the University, you may request it through FOIA. To do so, simply send me a fresh e-mail identifying the case by case name only, and requesting a copy of OCR's letter to the University dated January 7, 2022 pursuant to the Freedom of Information Act.

Sincerely,

Michael O'Donnell  
Senior Attorney  
Office for Civil Rights  
U.S. Department of Education  
230 South Dearborn Street  
Chicago, IL 60604

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**From:** Lauren Swain <lauren@paulsouthwick.com>**Sent:** Friday, January 7, 2022 4:51 PM**To:** O'Donnell, Michael <Michael.ODonnell@ed.gov>**Cc:** Joe Baxter <joe@paulsouthwick.com>; Matthias, Dawn <Dawn.Matthias@ed.gov>**Subject:** Re: OCR Complaint #05-22-2203

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. O'Donnell and Ms. Matthias,

Thank you for notifying us that the OCR will be investigating this complaint. I am cc'ing our attorney, Joe Baxter. Please include him on future communications regarding this case.

We request that you share with us OCR's notification letter to Lincoln Christian University regarding this investigation and inform us of time frame provided for the university's response.

Sincerely,

Lauren Swain

Lauren Swain

**Administrative Assistant/Paralegal REAP**

EXHIBIT B

1

**Paul Southwick Law, LLC**

[lauren@paulsouthwick.com](mailto:lauren@paulsouthwick.com)

Redacted Phone #



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**From:** Matthias, Dawn <[Dawn.Matthias@ed.gov](mailto:Dawn.Matthias@ed.gov)>  
**Sent:** Friday, January 7, 2022 12:50 PM  
**To:** Lauren Swain <[lauren@paulsouthwick.com](mailto:lauren@paulsouthwick.com)>  
**Cc:** O'Donnell, Michael <[Michael.ODonnell@ed.gov](mailto:Michael.ODonnell@ed.gov)>  
**Subject:** OCR Complaint #05-22-2203

Good afternoon,

Please find attached correspondence regarding the above-referenced complaint. The document is password protected. I will send an email shortly with the password.

Sincerely,

*Dawn Matthias  
Team Leader  
U.S. Department of Education  
Office for Civil Rights  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37<sup>th</sup> floor  
Chicago, IL 60604*