


Page 1 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Campbell, Gary</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>Clarks Summit University</u>
<b>Address:</b>	<u>538 Vernard Rd.</u>
<b>City, State, Zip Code:</b>	<u>Clarks Summit, PA, 18411</u>
<b>Department/School:</b>	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

- Discrimination **based on sex (specify)**
- Discrimination on the basis of sexual orientation.

Page 2 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Clarks Summit publishes anti-LGBT policies in its student handbook. Gary was reported to Clarks Summit officials for homosexual behavior by a dorm monitor who encouraged Gary to engage in sexual behavior with him. Gary was disciplined for homosexual behavior by Clarks Summit officials on other occasions, including being denied full-time attendance or the option of living off campus. Gary left Clarks Summit but attempted to re-enroll to complete the six credits he needed for graduation. Clarks Summit refused to re-enroll Gary or allow him to graduate. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

- 1) the Covid-19 pandemic;  
2) The Trump administration's policies and statements about religious exemptions to Title IX;  
3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.  
4) Although the initial act of discrimination took place more than 180 days ago, Gary's complaint should not be considered time-barred because Clarks Summit continues to discriminate against Gary and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

Yes

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

Page 3 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

See attached declaration.

- 9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

- 10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

- 11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Gary would like Clarks Summit's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Clarks Summit in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Clarks Summit will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Clarks Summit's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Clarks Summit, including housing and other programs.

- 12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/24/21

(Date)

Jul 26, 2021

(Date)



(Signature)

(Signature of person in Item 2)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

January 18, 2022

**IN RESPONSE, PLEASE REFER TO: 03212192**

*Via email only: [Lauren@paulsouthwick.com](mailto:Lauren@paulsouthwick.com)*

Ms. Lauren Swain  
Paul Southwick Law, LLC  
Religious Exemption Accountability Project  
8532 North Ivanhoe Street, #208  
Portland, OR 97203

Dear Ms. Swain:

This is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) has completed its evaluation of the complaint you filed against Clarks Summit University (the University) on behalf of your client, Gary Campbell, who will be referred to as the Student. You allege that the University discriminates on the bases of sex and sexual orientation. Specifically you allege:

1. The University maintains a policy in its Student Handbook prohibiting students from engaging in same-sex romantic or sexual relationships, as well as from “cross-dressing or other actions deliberately discordant with birth gender.”
2. The University discriminated against the Student on the basis of sexual orientation by expelling him from the University and refusing to allow him to reenroll or to graduate.

OCR enforces Title IX of the Education Amendments of 1972<sup>1</sup> (Title IX), and its implementing regulation at 34 C.F.R. Part 106, which prohibits 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.

OCR will proceed with an investigation of allegation 1 because it raises a possible violation of Title IX and its implementing regulation that is ongoing based on existing policies. Please note that opening allegation 1 for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as

<sup>1</sup> Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). You can find that regulation [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR’s website at <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the Case Processing Manual (CPM), available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

Please also note the section on resolution of a complaint prior to the conclusion of an investigation. If the recipient expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the recipient pursuant to Section 302 of the CPM.

OCR has also determined that we will dismiss allegation 2 of your complaint because it is untimely. As explained in Section 106 of OCR's CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the last act of alleged discrimination. You filed this complaint on July 28, 2021, more than 180 days after the University's last acts of alleged discrimination in 2003 and 2019.

You requested that OCR grant a waiver of the timeliness requirement for allegation 2 on several bases. You explained that the previous presidential administration's policies and statements about religious exemptions to Title IX, as well as its policies and statements about sexual orientation or gender identity prevented the Student from filing sooner, and as a result you are requesting waiver under Section 107(e) of OCR's CPM. You also requested a waiver due to the COVID-19 pandemic, as many state courts had tolled their deadlines for this reason. OCR cannot grant a waiver on the bases you have requested. OCR has been receiving, investigating, and resolving complaints throughout the COVID-19 pandemic and has not tolled its filing deadline because of the pandemic. In addition, your assumptions about how your complaint may have been resolved under a specific presidential administration do not merit a waiver of OCR's 180-day deadline.

You also requested a timeliness waiver because you believe the University is continuing to discriminate against the Student by promulgating policies and practices that discriminate against LGBTQ+ students. The CPM states that timely allegations may include those where the complainant alleges a continuing discriminatory policy or practice. The University's alleged actions against the Student were discrete acts that triggered OCR's filing deadlines; the alleged actions were sufficiently clear and final to trigger your awareness of and duty to assert the Student's rights within the required timeline. See *Nat'l Passenger R.R. Corp. v. Morgan*, 536 U.S. 101 (2002). Your allegation that the University's anti-LGBTQ+ policies in its handbook continue to discriminate against the Student does not transform the discrete acts against the Student into an ongoing pattern or practice of discrimination that would waive the 180-day filing deadline for allegation 2. OCR is accordingly dismissing allegation 2 as untimely under Section 108(d) of the CPM.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

You have a right to appeal OCR's determination regarding allegation 2 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. You must either submit a completed appeal form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>, or mail a written statement of no more than ten (10) pages (double-spaced, if typed): if submitted by mail, please send to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. If submitted via e-mail, send to [OCR@ed.gov](mailto:OCR@ed.gov); if submitted via fax, please send to 202-453-6012. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted via fax. In the appeal, you must explain why you believe the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

Federal regulations prohibit intimidation, threatening, coercion, harassment, or other retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

If you have any questions, please contact Josh Galiotto, Investigator, at 215-656-8587 or [Joshua.galiotto@ed.gov](mailto:Joshua.galiotto@ed.gov) or Gina DePietro, Team Attorney, at 215-656-8595 or [Gina.DePietro@ed.gov](mailto:Gina.DePietro@ed.gov).

Sincerely,



Christina M. Haviland  
Supervisory Attorney



Ms. Catherine Lhamon, Assistant Secretary for Civil Rights  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Re: Clarks Summit University's Request for Title IX Religious Exemption

Dear Ms. Lhamon,

As the "highest ranking official" (34 C.F.R. § 106.12(b)) of Clarks Summit University (CSU), I hereby request, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that the Department of Education's Office for Civil Rights acknowledge that the University is exempt from certain aspects of Title IX of the Education Amendments of 1972, as Title IX is apparently interpreted by the Department of Education (DOE).<sup>1</sup> This exemption extends to CSU to the extent that the Act and its applicable regulations are interpreted to curtail CSU's freedom to act in accordance with its religious convictions. The legal theories underlying the allegations in the complaint that you have forwarded to us imply that Title IX contains standards that conflict with certain Christian teachings and standards of the University in relation to sexuality and gender, as specified in more detail below.

**I. Clarks Summit University is controlled by a religious organization in the form of its religiously defined and spiritually committed board of trustees.**

Title IX implementing regulations recognize that an educational institution is exempt from its restrictions insofar as "it is controlled by a religious organization" (34 CFR Sec. 106.12(3)) that has religious beliefs contrary to those restrictions. The identity of the controlling organization can either be an external church organization, or it can be the board of trustees itself, if the board has a sufficiently specific religious identity and set of beliefs.

For over 30 years, DOE has maintained that Title IX does not contain "an independent requirement that the controlling religious organization be a separate legal entity than the educational institution." Direct Grant Programs, 85 Fed. Reg. 59,916, 59,956 (Sept. 23, 2020). The agency formalized this interpretation in a rule promulgated in 2020, which said that if an "educational institution is a school or department of divinity," that is "sufficient to establish that [it] is controlled by a religious organization." 34 C.F.R. § 106.12(c). The validity of this long-

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<sup>1</sup> We also wish to thank your lead Investigator on our case, Josh Galiotto, for agreeing to a 30-day extension beyond the initial February 4 deadline for the response to the pending Title IX complaint, once this letter is filed.

standing interpretation of Title IX has been recently recognized by the U.S. Court of Appeals for the Ninth Circuit.<sup>2</sup>

We believe the CSU board of trustees qualifies as a controlling religious body for purposes of Title IX and implementing regulations. The University was founded in 1932 as Baptist Bible Seminary and later changed its name to Baptist Bible College. Now, as Clarks Summit University, its original foundation as a school based on the Bible and biblical principles still remains the same, overseen by a religiously defined and spiritually committed board of trustees.

CSU has from its beginning taught that the Bible is authoritative for all matters of faith and life. Its mission statement proclaims:

*“Founded in 1932 in Johnson City, New York, Clarks Summit University is an educational institution that embraces its Baptist heritage. With a commitment to biblical authority, Clarks Summit University serves undergraduate, graduate, and seminary students by preparing them for lives of significant service for the cause of Jesus Christ in a variety of ministries and careers.*

*“As a learning community dedicated to biblical higher education, Clarks Summit University strengthens the church of God and influences society by cultivating an environment that promotes academic excellence and Christlikeness. Students are challenged to pursue biblical truth and wisdom, to embrace a Christian worldview, and to develop professional competence and relational skills.”*

The identity and beliefs of the board of trustees are critical to the religious mission of CSU. Accordingly, the Board Policy Manual, at Art. 3, Sec 2, specifies that “only individuals who are members in good standing of churches whose teaching is, in word and spirit, in harmony with the University’s Articles of Faith and Standard of Conduct, who subscribe to the Bylaws of the institution, and who manifest a sustained interest in the work of the institution shall be eligible for membership on the Board of Trustees.”

The board members are expected to sign their support for the Articles of Faith on a yearly basis. These Articles include the following belief commitments:

*“We believe that humanity was created in the image of God and retains that image after the fall. All humans, from the time of their conception, including those who are physically or mentally challenged, have value as image-bearers. Therefore, we affirm the dignity of human life. All forms of abuse, slander, dehumanization, or oppression toward fellow humans is an affront to God’s likeness, which has been stamped upon all individuals.*

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<sup>2</sup> *Maxon v. Fuller Theological Seminary*, DC No. 2:19-cv09969-CBM-MRW (9<sup>th</sup> Cir. Dec. 13, 2022) (unpublished).



*"We believe God created two and only two distinct, unchangeable sexes, male and female, as evidenced by biological gender. Based on that creation model, God designed marriage to be a one-flesh union of only one male and only one female. Marriage is the only divinely sanctioned relationship for sexual intimacy."*

For all these reasons, the CSU board is itself a "religious organization," and it controls CSU. The board also ensures that the beliefs outlined above are implemented in the governing policies and practices of the University, as detailed below.

**II. CSU is entitled to an exemption from Title IX to the extent it covers discrimination on the basis of sexual orientation and, specifically, prohibitions on same-sex romantic and/or sexual relationships.**

CSU's commitment to basic, orthodox, evangelical biblical beliefs, including those regarding sexuality and same-sex relationships, is communicated and demonstrated in many ways. Each undergraduate student completes a 30-credit hour major in Biblical Studies in addition to their career major, so all students study to know the Bible. Students are involved in local Baptist and other Bible-centered churches. All students must agree to the doctrinal and lifestyle expectations of CSU.

This mission pervades CSU's entire community. The Board Policy Manual requires not only board members, but all faculty, staff and administrative officers to annually sign their agreement with the Confession of Faith:

*"Our mission demands that our employees are good examples to our students, to those in the community, and to those visiting our campus. Therefore, all employees are asked to annually review the Confession of Faith and Standards of Conduct and sign that they agree with them."*

The University's vision and goals affirm the mission. The vision statement summarizes, *"Clarks Summit University's Christ-centered, career-ready graduates will strengthen the church and influence society around the world."*

The University's goal statement further implements this same mission:

*"Clarks Summit University provides a biblically based learning environment that guides students to:*

- intellectual discipline characterized by integration of truth and wisdom,*
- spiritual maturity marked by Christlikeness,*
- professional and relational skills demonstrated by competent service to strengthen the church and influence society."*

The Confession of Faith as detailed in CSU's doctrinal statement, in turn, opens with the assertion of the foundational belief of the Bible as the true authority from which all other beliefs flow.

*"We believe in the verbal and plenary inspiration of the text of the original manuscripts of the 66 books of the Old and New Testaments, which alone constitute the inerrant Word of God. We believe the Bible supports using a grammatical, historical method of interpretation in light of the progress of revelation. Thus, we believe that the Bible is the clear, sufficient, and supreme authority for all belief, life, and ministry."*

Christian teaching regarding sexuality is grounded in the creation account found in the Bible, specifically, in Genesis chapters 1-3. Here, God creates two distinct yet complementary sexes, male and female, declares them both as essential to the image of God, and asserts the definition of marriage as being between one man and one woman. (Gen. 1:26-28; 2:21-25). "Thus, shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh." (Gen. 2:24).

In several other places in the Hebrew Scriptures, marriage is affirmed as being a heterosexual arrangement, and same-sex behavior is repeatedly forbidden, not just for Israel, but for all peoples. (Gen. 19:1-11; Lev. 18:22; 20:13, 20-23). The New Testament likewise repeats the Edenic definition of marriage as being between a man and a woman (Mark 10:6-8; Matt. 19:5), and likewise prohibits same-sex sexual relations. (Rom. 1:24-27; 1 Cor. 6:9-11; 1 Tim. 1:10).

CSU's Confession of Faith specifically affirms these standard orthodox Christian biblical teachings on humanity and sexuality:

*"We believe God created two and only two distinct, unchangeable sexes, male and female, as evidenced by biological gender. Based on that creation model, God designed marriage to be a one-flesh union of only one male and only one female. Marriage is the only divinely sanctioned relationship for sexual intimacy."*

This statement is among the beliefs which all faculty, staff, administration, and trustees must sign annually.

CSU students also are informed of these religious beliefs and standards of the University and are expected to abide by them. Students sign a Community Commitment each year that reads as follows:

*"Therefore, as a member of the CSU community, I promise to submit to the CSU Community Commitment and affirm that I will love God, love my neighbor, live in community, and learn discernment in all that I do for the glory of God. By signing, I also confirm that I have read the Student Handbook and commit to following the standards and guidelines outlined within."*

One portion of the Student Handbook asserts:

*“Clarks Summit University recognizes the significant and strategic role that sexual purity plays in the spiritual maturity of our students. Scripture refers to the issue of purity from sexual immorality as a matter of doing the will of God and pleasing God (1 Thessalonians 4:1-8).”*

Following that section, the Community Commitment, through the Student Handbook, requires:

- *Students, regardless of their relationship status, must strive for moral and sexual purity in body and mind (1 John 3:3).*
- *Students are prohibited from engaging in sexual activity outside of the boundaries of biblical marriage (heterosexual monogamous marriage).*
- *Students are not to engage in and maintain same-sex romantic or sexual relationships.*
- *Clarks Summit University will not support persistent or conspicuous examples of cross-dressing or other actions that are deliberately discordant with birth gender and will deal with such matters within the biblical counseling and judicial processes of the institution.*
- *Students are prohibited from accessing pornographic or obscene material or creating links to such sites.*

In short, Clarks Summit University follows the authority of the biblical principles of sexual morality and addressed above. The University is also committed to the biblical values of love for all people and that God’s grace and mercy extends to all, allowing for repentance and grace to be exercised.

**III. CSU is also entitled to an exemption with respect to its policies on gender identity and cross-dressing.<sup>3</sup>**

Many of the biblical passages and policies referenced above also bear on the question of gender and gender identity. Specifically, in Genesis where it says that “God created man in his own image, in the image of God created he him; male and female created he them” (Gen. 1:27), CSU believes that God revealed the basis of gender identity as given by creation, and not by human choice.

Indeed, in the biblical account, not only were the different genders forbidden from sexual activity with the same gender, but they were also forbidden to represent themselves as the opposite gender: “The woman shall not wear that which pertains unto a man,” the book of Deuteronomy instructs, “neither shall a man put on a woman’s

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<sup>3</sup> The current Title IX case that has been brought against CSU only contains factual allegations in relation to sexual activity and does not allege or discuss claims about gender identity or representation. Thus, we do not believe that the current claimant has standing to raise issues regarding gender identity issues. CSU, however, is using this opportunity to seek an exemption in relation to both sexual activity and gender identity from regulations that are contrary to its religious mission, beliefs, and identity.

garment.” (Deut. 22:5). The New Testament likewise speaks negatively of men acting in effeminate roles (1 Cor. 6:9), and likewise explicitly forbids women taking on the role of men in sexual and gender relationships. (Rom. 1:26).

In light of these passages, the CSU’s Community Commitment, through the Student Handbook, says that:

*“Clarks Summit University will not support persistent or conspicuous examples of cross-dressing or other actions that are deliberately discordant with birth gender and will deal with such matters within the biblical counseling and judicial processes of the institution.”*

In short, it is clear that OCR’s apparent position on cross-dressing and other sexual identity-related issues is not consistent with the religious tenets of Clarks Summit University.

For all these reasons, I request that your office acknowledge that the University is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations to the extent that they might be interpreted to curtail CSU’s freedom to respond with theologically and biblically founded convictions on issues of sexuality and gender.

**IV. CSU is entitled to an exemption from several specific regulations to the extent they cover sexual orientation and gender identity.**

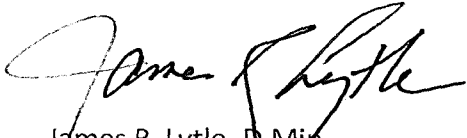
In light of the above discussion, Clarks Summit University requests that your office acknowledge that the University is exempt from Title IX and the following implementing regulations to the extent that they are interpreted to reach gender identity or sexual orientation discrimination in a manner that restricts CSU’s freedom to apply and enforce its policies on human sexuality and its Community Commitment:

- 34 C.F.R. § 106.21 (Admission)
- 34 C.F.R. § 106.22 (Preference in Admission)
- 34 C.F.R. § 106.23 (Recruitment)
- 34 C.F.R. § 106.31 (Education Program)
- 34 C.F.R. § 106.32 (Housing)
- 34 C.F.R. § 106.33 (Comparable Facilities)
- 34 C.F.R. § 106.34 (Access to Classes and Schools)
- 34 C.F.R. § 106.35 (Access to Institutions of Vocational Education)
- 34 C.F.R. § 106.36 (Counseling)
- 34 C.F.R. § 106.37 (Financial Assistance)
- 34 C.F.R. § 106.38 (Employment Assistance to Students)
- 34 C.F.R. § 106.39 (Health and Insurance Benefits and Services)
- 34 C.F.R. § 106.40 (Marital or Parental Status)
- 34 C.F.R. § 106.41 (Athletics)
- 34 C.F.R. § 106.42 (Textbooks and Curricular Material)

- 34 C.F.R. § 106.43 (Standards for Measuring Skill or Progress in Physical Education Classes)
- 34 C.F.R. § 106.51-61 (Relating to Employment)

Thank you for your consideration of this request. If you require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Lytle". The signature is fluid and cursive, with the first name "James" being the most prominent.

James R. Lytle, D.Min.  
President

cc. Josh Galiotto, OCR Investigator

James R. Lytle



538 Venard Road  
Clarks Summit, PA 18411

[ClarksSummitU.edu](http://ClarksSummitU.edu)

Ms. Catherine Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Dept. of Education Building  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

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E1 WASA



86720 03Feb2022 AVPA 56DG2/027C/1B23

Form ID No. 0200

Recipient's Copy

1 Date 2/3/2022

Sender's Name Dr. James R. Lytle Phone 570 585-9201

Company Clarks Summit University

Address 538 Vermont Rd Dept/Floor/Suite/Room

City Clarks Summit State PA ZIP 18441

2 Your Internal Billing Reference

3 To Recipient's Name Ms. Catherine Lhaman Phone 800 421-3481

Company US Department of Education Office for Civil Rights

Address Lyndon B. Johnson Dept of Education Building Hold Weekday  
We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept/Floor/Suite/Room REQUIRED. NOT available for FedEx First Overnight.

Address 400 Maryland Ave SW Hold Saturday  
Use this line for the HOLD location address or for continuation of your shipping address. Dept/Floor/Suite/Room REQUIRED. Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

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4 Express Package Service \* To most locations.

Packages up to 150 lbs.  
For packages over 150 lbs. use the  
FedEx Express Freight US Airbill.

Next Business Day

- FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

2 or 3 Business Days

- FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.
- FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

5 Packaging \* Declared value limit \$500.

- FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

- Saturday Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- No Signature Required  
Package may be left without obtaining a signature for delivery.
- Direct Signature  
Someone at recipient's address may sign for delivery.
- Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?

N  Yes

7 P

Restriction

Sa Acc 1 w

Total Pa

Our liability is

Rev. Date 4/1

FedEx

TO: PCP-OCR  
LOC1:  
LOC2:  
LOC3:

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2/4/2022 1:53 PM

fedex.com 1.800.GoFedEx 1.800.463

Insert shipping document here.



8164 2092 2036

EXHIBIT B

FedEx First Overnight®

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 5, 2022

James Lytle  
President  
Clarks Summit University  
538 Venard Road  
Clarks Summit, PA 18411

Dear President Lytle:

I write in response to your February 3, 2022, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Clarks Summit University ("the University") in Clarks Summit, Pennsylvania.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter states that the University was founded in 1932 as Baptist Bible Seminary. It later changed its name to Baptist Bible College, and then to Clarks Summit University. The University states that its original foundation as a school based on the Bible and biblical principles remains the same today.

The University's mission statement notes that Clarks Summit University is an educational institution that "embraces its Baptist heritage," and that the University has a "commitment to biblical authority." The mission statement also provides that the University "serves undergraduate, graduate, and seminary students by preparing them for lives of significant service for the cause of



nd careers.” Your letter explains that the University is controlled by a “religiously defined and spiritually committed board of trustees.” In support of this assertion, the University notes that the Board of Trustees Policy Manual states that “only individuals who are members in good standing of churches whose teaching is, in word and spirit, in harmony with the University’s Articles of Faith and Standard of Conduct” shall be eligible for membership on the Board of Trustees. Further, the University notes that members of the Board of Trustees, in addition to faculty, staff, and administrators, are expected to sign their support for the University’s Articles of Faith on a yearly basis. Those Articles of Faith state, in part:

We believe God created two and only two distinct, unchangeable sexes, male and female, as evidenced by biological gender. Based on that creation model, God designed marriage to be a one-flesh union of only one male and only one female. Marriage is the only divinely sanctioned relationship for sexual intimacy.

Your letter asserts that the University’s religious beliefs conflict with Title IX to the extent it covers discrimination on the basis of sexual orientation. The University states that “Christian teaching regarding sexuality is grounded in the creation account found in the Bible,” in which “God creates two distinct yet complementary sexes, male and female.” The University views marriage as being between one man and one woman, and the University believes that the Bible forbids “same-sex behavior.” The University also asserts that its religious beliefs conflict with Title IX based on the University’s policies on gender identity and cross-dressing because the University interprets the Bible as forbidding “the different genders” from “represent[ing] themselves as the opposite gender.”

For the above reasons, Clarks Summit University requests assurance of its exemption from the following regulatory provisions to the extent that they conflict with its religious beliefs pertaining to sexual orientation and gender identity:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)
- 34 C.F.R. § 106.31 (education programs or activities)
- 34 C.F.R. § 106.32 (housing)
- 34 C.F.R. § 106.33 (comparable facilities)
- 34 C.F.R. § 106.34 (access to classes and schools)
- 34 C.F.R. § 106.35 (access to institutions of vocational education)
- 34 C.F.R. § 106.36 (counseling)
- 34 C.F.R. § 106.37 (financial assistance)
- 34 C.F.R. § 106.38 (employment assistance to students)
- 34 C.F.R. § 106.39 (health and insurance benefits and services)
- 34 C.F.R. § 106.40 (marital or parental status)
- 34 C.F.R. § 106.41 (athletics)
- 34 C.F.R. § 106.42 (textbooks and curricular material)

Clarks Summit University is exempt from these provisions to the extent they conflict with its religious beliefs pertaining to sexual orientation and gender identity.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Lhamon', with a long horizontal flourish extending to the right.

Catherine E. Lhamon  
Assistant Secretary for Civil Rights

**Colorado Christian University**  
**8787 West Alameda Avenue**  
**Lakewood, CO 80226**  
**303-963-3350**  
**warmstrong@ccu/edu**

November 4, 2014

Catherine Lhamon, Assistant Secretary  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Re: Request for Religious Exemption from Certain Applications of Title IX

Dear Ms. Lhamon:

I hereby request, under 20 U.S.C. § 1681(a) (3) and 34 C.F.R. § 106.12, that the Department of Education's Office for Civil Rights acknowledge that Colorado Christian University (CCU) is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations to the extent that they are interpreted to curtail the University's freedom to respond to transgender individuals in accordance with its religious convictions. As President of CCU, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

CCU is a non-profit institution of higher education with its main campus in Lakewood, Colorado. It traces its origins to the founding of Denver Bible Institute in 1914.<sup>1</sup> A century later, CCU is a Christ-centered learning community committed to developing each student in mind, faith and character for a lifetime of meaningful work and service in a constantly changing world.<sup>2</sup> Its identity as a Christian institution is central to all it does and teaches.<sup>3</sup> Christ, the living Word, is the integrating center of Colorado Christian University, intentionally at the core of all that CCU is and does.<sup>4</sup> The University exists to produce graduates who think critically, live faithfully, and impact effectively their spheres of influence.<sup>5</sup> This purpose is accomplished through a highly competent and dedicated faculty, an integrated academic curriculum, and student life programs designed to strengthen faith, shape character, and nurture compassionate response in a need-filled world.<sup>6</sup>

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<sup>1</sup> <http://www.ccu.edu/about/history/>

<sup>2</sup> <http://www.ccu.edu/about/essence/>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Letter to Catherine Lhamon

October 13, 2014

Page 2 of 5

CCU's educational philosophy is guided by its Statement of Faith, which is embraced by all faculty and staff.<sup>7</sup> The Statement<sup>8</sup> affirms the key elements of the historical Christian faith, assuring consensus on the foundational tenets of the faith.<sup>9</sup> The essence of the CCU experience is its integration of faith and learning.<sup>10</sup> This distinctive integration of academic achievement, character development, and spiritual formation prepares CCU graduates to honor God and impact the world with their lives.<sup>11</sup>

CCU's Board of Trustees have adopted strategic objectives that direct the implementation of the University's consistent mission and vision and provide context for its first priority: an enduring commitment to Jesus Christ and His Kingdom.<sup>12</sup> These strategic objectives include:

- Honoring Christ and sharing His love on campus and around the world;
- Teaching students to trust the Bible, live holy lives and be evangelists;
- Giving students significant opportunities to serve the Lord while they are at CCU and to help them develop a lifetime habit of such service;
- Impacting culture in support of traditional family values, sanctity of life, compassion for the poor, a Biblical view of human nature, limited government, personal freedom, free markets, natural law, original intent of the Constitution and Western civilization; and
- Serving the Church.<sup>13</sup>

CCU states its vision as follows: "We envision graduates, who think critically and creatively, lead with high ethical and professional standards, embody the character and compassion of Jesus Christ, and who thereby are prepared to impact the world."<sup>14</sup> It articulates its mission as follows: "Colorado Christian University cultivates knowledge and love of God in a Christ-centered community of learners and scholars, with an enduring commitment to the integration of exemplary academics, spiritual formation, and engagement with the world."<sup>15</sup>

On October 22, 2010, CCU's Board of Trustees adopted a policy on homosexuality, transvestitism, and transgenderism. It reads in pertinent part as follows:

[A]lthough some Christians may take other positions concerning transvestitism and/or transgenderism, CCU's position is clear as to both. As a matter of religious faith, conviction, and exercise, Colorado Christian University adheres to the Biblical admonitions against both transvestitism and transvestite behavior, as set forth in Deuteronomy 22:5, and

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<sup>7</sup> *Id.*

<sup>8</sup> <http://www.ccu.edu/about/webelieve/>

<sup>9</sup> <http://www.ccu.edu/about/essence/>

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> <http://www.ccu.edu/strategicobjectives/>

<sup>13</sup> *Id.*

<sup>14</sup> <http://www.ccu.edu/about/mission/>

<sup>15</sup> *Id.*

Letter to Catherine Lhamon

October 13, 2014

Page 3 of 5

transgenderism and transgender behavior, as set forth in Genesis 1:27. Therefore, Colorado Christian University prohibits all of its officers, trustees, employees, and students from engaging in, advocating, teaching, supporting, encouraging, defending, or excusing transvestitism and transvestite behavior and/or transgenderism and transgender behavior, in any form or for any purpose.

CCU's Student Handbook contains the following section, entitled "Gender Identification":

Based on the mission of CCU, its standards, and uniqueness as a living and learning environment that honors Jesus Christ, the university recognizes that some students may struggle with their gender identity and wish to explore living as a particular gender other than the one that they were biologically created as. When a student is cooperative and willing to explore these feelings in an appropriate setting and not act out the feelings, the university will allow them to continue being a part of the CCU community if they are pursuing counseling and a mentoring relationship that will help them discuss appropriately who God made them to be. In this process, however, the university will uphold a view that we are "fearfully and wonderfully made" in the uniqueness and image of God and therefore strategically and purposefully made as the biological gender we were born as. Because of this belief the university will not allow a student of a particular gender to dress and act differently than the biological one that God created them to be. When a student decides to identify as a gender other than their biological one, it is in their, and the university's, best interest for them to leave the university community. It is also in the best interest of the university and the student for them to separate themselves from the CCU community if she or he pursues a medical course of action to physically change their biological gender to that of another sex.<sup>16</sup>

In the employment context, both applicants and existing employees are required to affirm their commitment to CCU's Statement of Faith and Employee Lifestyle Expectations.<sup>17</sup> Those expectations include the following: "Members of the CCU community are expected to refrain from engaging in, advocating, teaching, supporting, encouraging, defending, or excusing homosexuality, transvestitism, transvestite behavior, transgenderism and transgender behavior."<sup>18</sup>

As you know, the Office for Civil Rights has not issued regulations or guidance explaining how an educational institution's response to a transgender individual might violate Title IX and its accompanying regulations. As you also know, however, the resolution

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<sup>16</sup> [http://www.ccu.edu/uploadedFiles/Pages/Campus\\_Life/handbook.pdf](http://www.ccu.edu/uploadedFiles/Pages/Campus_Life/handbook.pdf) (p. 144).

<sup>17</sup> <http://jobs.ccu.edu/>

<sup>18</sup> <http://jobs.ccu.edu/employee-lifestyle-expectations>

Letter to Catherine Lhamon  
October 13, 2014  
Page 4 of 5

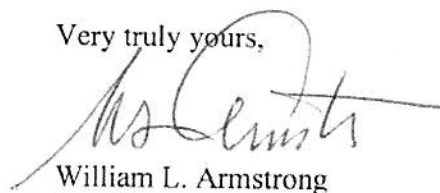
agreement<sup>19</sup> between the Arcadia Unified School District and ED OCR (and the Department of Justice) requires the school district to permit transgender students to use the restroom, locker room, and living accommodations of their choice, and to participate in athletic programs as a member of their chosen sex.<sup>20</sup> It is thus reasonable to suppose that ED OCR believes that such responses are required by Title IX. It is also reasonable to presume that your office interprets Title IX to impose gender identity non-discrimination obligations upon covered institutions in the employment context. To the extent these suppositions are correct, it appears as though compliance with Title IX, as interpreted by ED OCR to reach transgender "discrimination," would be inconsistent with the religious tenets of CCU.

CCU accordingly requests that your office acknowledge that the University is exempt from Title IX and the following implementing regulations (to the extent they are interpreted to reach gender identity discrimination):

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)
- 34 C.F.R. § 106.31 (education programs or activities)
- 34 C.F.R. § 106.32 (housing)
- 34 C.F.R. § 106.33 (comparable facilities)
- 34 C.F.R. § 106.34 (access to classes and schools)
- 34 C.F.R. § 106.36 (counseling)
- 34 C.F.R. § 106.37 (financial assistance)
- 34 C.F.R. § 106.38 (employment assistance to students)
- 34 C.F.R. § 106.39 (health and insurance benefits and services)
- 34 C.F.R. § 106.40 (marital or parental status)
- 34 C.F.R. § 106.41 (athletics)
- 34 C.F.R. § 106.43 (standards for measuring skill or progress in physical education classes)
- 34 C.F.R. § 106.51-61 (relating to employment)

Thank you in advance for your consideration. I look forward to hearing from you soon. If you require anything further, please do not hesitate to contact me.

Very truly yours,



William L. Armstrong  
President

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<sup>19</sup> Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, *available at* [http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia\\_Resolution\\_agreement\\_07.24.2013.pdf](http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia_Resolution_agreement_07.24.2013.pdf).

<sup>20</sup> *Id.*<sup>7</sup>



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

December 5, 2014

William L. Armstrong  
President  
Colorado Christian University  
8787 West Alameda Avenue  
Lakewood, CO 80226

Dear President Armstrong:

The purpose of this letter is to respond to your November 4, 2014, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Colorado Christian University of Lakewood, Colorado from Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. We are processing your request and have determined that we need further information.

Subsection (a)(3) of Title IX, 20 U.S.C. § 1681(a)(3), and the Department's implementing regulation at 34 C.F.R. § 106.12 provide that Title IX and its regulations do not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would not be consistent with the controlling organization's religious tenets. Such educational institutions are allowed to claim an exemption from Title IX by identifying the provisions of the Department's Title IX regulations that conflict with a specific tenet of the controlling religious organization.

Your letter included sufficient information regarding the provisions of the Department's Title IX regulations from which the University requests exemption. But your letter did not identify the religious organization that controls the University. Your letter describes the University as "a Christ-centered learning community" and states that it identifies as a "Christian institution," but does not name a specific religious organization. An educational institution will normally be considered to be controlled by a religious organization under Title IX if one or more of the following conditions prevail:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or

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Page 2: Letter to William L. Armstrong

- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

If you would like OCR to make a determination regarding the University's religious exemption request, please let us know the specific religious organization that controls the University. Feel free to provide any explanation or supporting documentation that may be helpful to OCR's understanding. If you no longer desire a religious exemption determination, please simply let us know your wish to withdraw the request at this time so that we may close the request file.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me. I can be reached at (202) 453-6048.

Sincerely,



Seth Galanter  
Principal Deputy Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education



## Colorado Christian University

8787 West Alameda Avenue  
Lakewood, Colorado 80226  
303-963-3350  
[warmstrong@ccu.edu](mailto:warmstrong@ccu.edu)

January 6, 2015

### Via Federal Express

Seth Galanter  
Principal Deputy Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Ave. S.W.  
Washington, D.C. 20202-1100

**Re: Colorado Christian University Application for Religious Exemption under Title IX**

Dear Mr. Galanter:

I have just received a phone message from you pointing out that my letter of December 22<sup>nd</sup> neglected to include the referenced attachments:

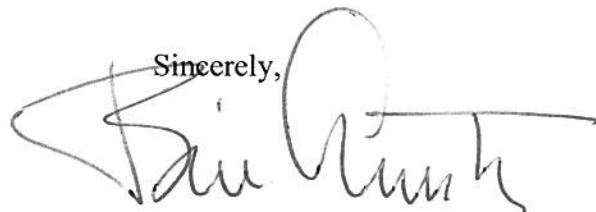
- Statement of Faith
- Lifestyle Expectations
- Strategic Objectives

I apologize for this oversight

An additional copy of my December letter and the attachments are attached hereto.

Thank you for drawing this matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Armstrong", written over a large, stylized flourish that extends to the left and underlines the signature.

William L. Armstrong  
President

## Colorado Christian University

8787 West Alameda Avenue  
Lakewood, Colorado 80226  
303-963-3350  
[warmstrong@ccu.edu](mailto:warmstrong@ccu.edu)

December 22, 2014

Seth Galanter  
Principal Deputy Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Ave. S.W.  
Washington, D.C. 20202-1100

**Re: Colorado Christian University Application for Religious Exemption under Title IX**

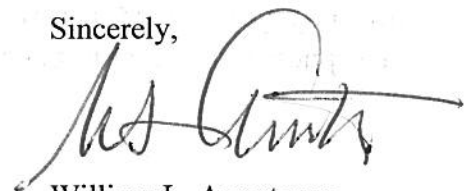
Dear Mr. Galanter:

This is in response to your letter dated December 5, 2014, requesting further information from Colorado Christian University regarding our request for a religious exemption from Title IX of the Education Amendments of 1972.

Colorado Christian University ("CCU") requires all of its faculty and employees to espouse a personal belief in the evangelical Christian faith. Every applicant for any position at CCU must sign an Application Acknowledgement agreeing to abide by CCU's Statement of Faith and Statement of Lifestyle Expectations, and to adhere to traditional biblical values and CCU's Strategic Objectives. If an individual is offered a job at CCU, he or she must execute the Statement of Faith and the Statement of Lifestyle Expectations before the hiring process is complete. Each of these documents is attached for your reference.

Please do not hesitate to contact me if you have further questions about this matter.

Sincerely,



William L. Armstrong  
President



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

June 28, 2016

William L. Armstrong  
President  
Colorado Christian University  
8787 West Alameda Avenue  
Lakewood, CO 80226

Dear President Armstrong:

I write to respond to your November 4, 2014, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Colorado Christian University (University or CCU) of Lakewood, Colorado from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. In response to a request from OCR on December 5, 2014, you submitted further information on December 22, 2014 about the University's eligibility for an exemption from Title IX. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

Title IX and its implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets.

Your December letter explains that the University "requires all of its faculty and employees to espouse a personal belief in the evangelical Christian faith. Every applicant for any position at CCU must sign an Application Acknowledgement agreeing to abide by CCU's Statement of Faith and Statement of Lifestyle Expectations, and to adhere to traditional biblical values. . . . If an individual is offered a job at CCU, he or she must execute the Statement of Faith and the Statement of Lifestyle Expectations before the hiring process is complete."

As stated in your November letter, you request an exemption to the extent that Title IX or its implementing regulations "are interpreted to reach gender identity discrimination." In support of this request, you explain that the University's Employee Lifestyle Expectations include the following: "Members of the CCU community are expected to refrain from engaging in,

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William L. Armstrong – page 2

advocating, teaching, supporting, encouraging, defending, or excusing homosexuality, transvestitism, transvestite behavior, transgenderism and transgender behavior.” Your letter also describes an October 2010 policy, adopted by the University’s Board of Trustees, which states that “although some Christians may take other positions concerning transvestitism and/or transgenderism, CCU’s position is clear as to both. As a matter of religious faith, conviction, and exercise, Colorado Christian University adheres to the Biblical admonitions against both transvestitism and transvestite behavior, as set forth in Deuteronomy 22:5, and transgenderism and transgender behavior, as set forth in Genesis 1:27.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions “to the extent they are interpreted to reach gender identity discrimination:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health insurance benefits and services);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-106.61 (governing employment).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity and compliance would conflict with the controlling organization’s religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets identified in your request, OCR is obligated to identify a controlling organization to contact to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the

William L. Armstrong – page 3

institution, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education

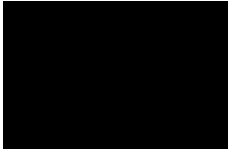
Page 1 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Mueller, Journey</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>Colorado Christian University (CCU)</u>
<b>Address:</b>	<u>8787 W. Alameda Ave.</u>
<b>City, State, Zip Code:</b>	<u>Lakewood, CO 80226</u>
<b>Department/School:</b>	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

- Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation

Page 2 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

CCU publishes anti-LGBTQ+ policies in its student handbook and encourages students to report violations of its policies by other students. Journey's roommates locked her in her dorm room and forced her to confess her sexual orientation, then reported her to school officials. In response, CCU officials placed Journey on academic probation, removed her from her housing, and required her to attend conversion therapy and mentorship meetings. CCU blocked access to LGBTQ+ -affirming resources on their wi-fi service. As a result of this mistreatment, Journey's mental health suffered to the point where she felt compelled to leave CCU before completing her degree. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

- 1) the Covid-19 pandemic;
- 2) The Trump administration's policies and statements about religious exemptions to Title IX;
- 3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.
- 4) Although the initial act of discrimination took place more than 180 days ago, Journey's complaint should not be considered time-barred because CCU continues to discriminate against Journey and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

No

Page 3 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

- 9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

- 10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

- 11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Journey would like CCU's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by CCU in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) CCU will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) CCU's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of CCU, including housing and other programs.

- 12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/29/2021

(Date)

Aug 2, 2021

(Date)



(Signature)



(Signature of person in Item 2)





UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310  
DENVER, CO 80204-3582

REGION VIII

ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

April 8, 2022

Ms. Lauren Swain  
Paul Southwick Law, LLC  
8532 N. Ivanhoe Street, #208  
Portland, OR 97203

*By email only to:* lauren@paulsouthwick.com

*Re:* Colorado Christian University  
OCR Case No. 08-21-2214

Dear Ms. Swain:

On August 3, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against Colorado Christian University. You filed the complaint on behalf of a former student at the University, Journey Mueller (the Student), and on behalf of current LGBTQ+ students at the University. You allege that the University discriminates on the basis of sexual orientation. Specifically, you allege that:

1. The University discriminates against LGBTQ+ students because its policies and practices, including in its current Student Handbook, prohibit students from engaging in behavior that exhibits a same-sex romantic relationship and subject students who engage in same-sex romantic relationships to discipline (Allegation 1); and
2. After the University learned that the Student is a lesbian, it discriminated against her on the basis of sexual orientation during the 2017-18 school year by, among other things, placing the Student on academic probation, removing her from her housing, requiring her to attend conversion therapy and mentorship meetings, and blocking access to LGBTQ+ affirming resources on the University's wi-fi (Allegation 2).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, 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 from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

OCR is opening Allegation 1 for investigation because OCR has determined that it has jurisdiction, that the allegation was timely filed, and that it is appropriate for investigation under the laws and regulations enforced by OCR. If you disagree with the way OCR stated Allegation 1, please contact the OCR staff person identified below within 10 days of the date of this letter.

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

Page 2 – Letter of Notification – Complainant - OCR Case No. 08-21-2214

Please note that opening this allegation for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of Article III of OCR's *Case Processing Manual* (CPM), available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>. In accordance with the CPM, OCR will provide a copy of the complaint to the University.

After carefully reviewing the information you provided, OCR has determined that it will not investigate Allegation 2. According to the information provided in the Student's Declaration, which was attached to your complaint, the Student attended the University between August 2017 and April 2018, and the acts of alleged discrimination against the Student occurred during that timeframe. As explained in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination unless OCR grants a waiver under Section 107 of the CPM. You filed this complaint on August 3, 2021, more than 180 days after the University allegedly discriminated against the Student between August 2017 and April 2018.

You requested a waiver of the 180-day filing requirement for Allegation 2 on the following bases:

- 1) the COVID-19 pandemic;
- 2) the Trump administration's policies and statements about religious exemptions to Title IX;
- 3) the Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity; and
- 4) although the initial act of discrimination took place more than 180 days ago, [the Student's] complaint should not be considered time-barred because the University continues to discriminate against [the Student] and to promulgate policies and practices that discriminate against LGBTQ+ students.

OCR has reviewed your request and declines to waive OCR's 180-day deadline. OCR is accordingly dismissing Allegation 2 as untimely under Section 108(d) of the CPM.

You have a right to appeal OCR's dismissal of Allegation 2 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or by fax. You must either submit (1) a completed appeal form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form> or (2) a written statement of no more than 10 pages (double-spaced, if typed) by e-mail to [OCR@ed.gov](mailto:OCR@ed.gov), by fax to 202-453-6012, or by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted by fax. In the appeal, you must explain why you believe the factual information described here was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

Page 3 – Letter of Notification – Complainant - OCR Case No. 08-21-2214

OCR would like to make you aware that 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.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions or concerns, please contact Jennifer Weiser Bezoza, the OCR attorney assigned to this complaint, at (303) 844-3676, or by email at [jennifer.bezoza@ed.gov](mailto:jennifer.bezoza@ed.gov).

Sincerely,

Thomas M. Rock  
Supervisory Attorney

Page 1 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Jones, Jonathan</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>Azusa Pacific University</u>
<b>Address:</b>	<u>901 E. Alost Ave.</u>
<b>City, State, Zip Code:</b>	<u>Azusa, CA, 91702</u>
<b>Department/School:</b>	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation and gender identity.

Page 2 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Azusa Pacific reinstated its ban on same-sex dating while Jonathan was a student. Jonathan and other students were fearful of punishment for having revealed their sexual orientation because the ban had been lifted. Jonathan worried that his scholarship would be revoked. Azusa Pacific later altered its policy again to leave the question of punishment for sexual orientation ambiguous. Azusa Pacific has imposed limitations on the LGBT student group that it has not imposed on other student groups. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

1) the Covid-19 pandemic;  
2) The Trump administration's policies and statements about religious exemptions to Title IX;  
3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.  
4) Although the initial act of discrimination took place more than 180 days ago, Jonathan's complaint should not be considered time-barred because Azusa Pacific continues to discriminate against Jonathan and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

No

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the

Page 3 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures  
other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

- 10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

- 11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Jonathan would like Azusa Pacific’s policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Azusa Pacific in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Azusa Pacific will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Azusa Pacific’s non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Azusa Pacific, including housing and other programs.

- 12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/24/21

(Date)

Jul 24, 2021

(Date)



(Signature)

Jonathan

(Signature of person in Item 2)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200, ROOM 1545  
SAN FRANCISCO, CA 94102

May 3, 2022

Lauren Swain  
Paul Southwick Law, LLC  
8532 N. Ivanhoe Street, #208  
Portland, OR 97203

*By email only to:* lauren@paulsouthwick.com

Re: Azusa Pacific University  
OCR Case No. 09-21-2318

Dear Ms. Swain:

On July 27, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against Azusa Pacific University. You filed the complaint on behalf of a former student at the University, whom we will refer to as the Student, and on behalf of current LGBTQ+ students at the University. You allege that the University discriminates on the basis of sexual orientation and gender identity. Specifically, you allege that:

1. The University discriminated against the Student in the Spring 2021 semester and continues to discriminate against LGBTQ+ students based on sexual orientation and gender identity because its policies and practices, including in its current Student Handbook, prohibit sexual intimacy outside of marriage and endorse the doctrine that marriage is between a man and a woman (Allegation 1);
2. The University discriminated against the Student in the Spring 2021 semester and continues to discriminate against LGBTQ+ students based on sexual orientation and gender identity by refusing to fully recognize the LGBTQ+ student group on campus (Allegation 2); and
3. The University discriminated against the Student based on sexual orientation and gender identity because changes the University made to its policies on same-sex dating in 2018 and 2019, as well as a letter a University professor sent to the University in fall 2018 about such changes, left the Student fearful of being punished and having their scholarship revoked (Allegation 3).

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

Page 2 – (09-21-2318)

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, 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 from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

OCR is opening Allegations 1 and 2 for investigation with respect to the University's policies and practices in the 2021-2022 academic year and the spring 2021 semester, the Student's last semester, because OCR has determined that it has jurisdiction, that these allegations were timely filed, and that they are appropriate for investigation under the laws and regulations enforced by OCR. If you disagree with the way OCR stated Allegation 1 or 2, please contact the OCR staff person identified below within 10 days of the date of this letter.

Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting, and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations, in accordance with the provisions of Article III of OCR's *Case Processing Manual* (CPM), available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrspm.pdf>. In accordance with the CPM, OCR will provide a copy of the complaint to the University.

After carefully reviewing the information you provided, OCR has determined that it will not investigate Allegation 3. According to the information provided in the Student's Declaration, which was attached to your complaint, the Student enrolled at the University in August 2017, and the acts of alleged discrimination involving changes to the University's policies on same-sex dating occurred in 2018 and 2019 and the related letter was issued in fall 2018. As explained in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination unless OCR grants a waiver under Section 107 of the CPM. You filed this complaint on July 27, 2021, more than 180 days after the University allegedly discriminated against the Student in 2018 and 2019.

You requested a waiver of the 180-day filing requirement for Allegation 3 on the following bases:

- 1) the COVID-19 pandemic;
- 2) the Trump administration's policies and statements about religious exemptions to Title IX;
- 3) the Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity; and
- 4) although the initial act of discrimination took place more than 180 days ago, [the Student's] complaint should not be considered time-barred because the University continues to discriminate against [the Student] and to promulgate policies and practices that discriminate against LGBTQ+ students.

OCR has reviewed your request and declines to waive OCR's 180-day deadline. OCR is accordingly dismissing Allegation 3 as untimely under Section 108(d) of the CPM.



Page 3 – (09-21-2318)

You have a right to appeal OCR's dismissal of Allegation 3 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or by fax. You must either submit (1) a completed appeal form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form> or (2) a written statement of no more than 10 pages (double-spaced, if typed) by email to [OCR@ed.gov](mailto:OCR@ed.gov), by fax to 202-453-6012, or to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted by fax. In the appeal, you must explain why you believe the factual information described here was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

OCR would like to make you aware that 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.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions or concerns, please contact Blake Thompson, Deputy Chief Attorney, at 415-486-5630 or by email at [blake.thompson@ed.gov](mailto:blake.thompson@ed.gov).

Sincerely,



Anamaria Loya  
Chief Attorney