

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>Martinez, Cameron</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>La Sierra University</u>
<b>Address:</b>	<u>4500 Riverwalk Pkwy.</u>
<b>City, State, Zip Code:</b>	<u>Riverside, CA, 92505</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

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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.

The La Sierra administration has repeatedly refused official status to an LGBT student group formed by Cameron and others. Cameron fears expulsion for same-sex dating, in part because La Sierra officially endorses doctrine stating that "sexual acts outside of heterosexual marriage are forbidden." La Sierra officials have repeatedly refused to address complaints of discrimination on campus submitted by Cameron and others. 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, Cameron's complaint should not be considered time-barred because La Sierra continues to discriminate against Cameron 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.

See attached declaration.

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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?

Prevent conflicts of interest by separating Title IX officer positions from administrative positions involved in enforcing student codes of conduct/honor code and prevent the sharing of information from Title IX office to administrative offices involved in enforcing student codes of conduct/honor code.

Cameron would also like La Sierra's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by La Sierra 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) La Sierra 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) La Sierra's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of La Sierra, including housing and other programs.

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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)

Cameron Martinez

[Redacted Signature] (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: La Sierra University  
OCR Case No. 09-21-2314

Dear Ms. Swain:

On July 27, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against La Sierra University. You filed the complaint on behalf of a student at the University, whom we will refer to as the Student, and on behalf of other 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 is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity by refusing to officially recognize the LGBTQ student group on campus (Allegation 1);
- 2) The University is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity because its policies and practices, including in its current student handbook, endorse the Seventh-day Adventist doctrine on homosexuality, stating that sexual intimacy belongs only within the marital relationship of a man and a woman (Allegation 2); and
- 3) The University discriminated against the Student on the basis of sexual orientation and gender identity by failing to address their two complaints to the University in 2018, which alleged that a faculty member made homophobic comments in the classroom and a guest lecturer made comments disparaging LGBTQ individuals (Allegation 3).

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

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

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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 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/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 3. According to the Student, the allegation concerning the University's failure to address their two discrimination complaints occurred in the spring and winter of 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 the spring and winter of 2018.

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.

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->

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[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

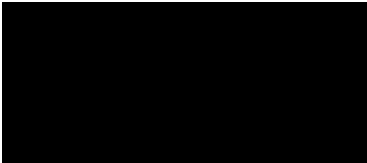
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**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

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>Wilson, Lucas</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>Liberty University</u>
<b>Address:</b>	<u>1971 University Blvd.</u>
<b>City, State, Zip Code:</b>	<u>Lynchburg, VA, 24515</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



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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.

Liberty's Statement on Sexuality and Relationships provides vague guidelines indicating that behavior reflecting LGBT identify is a violation of the Student Honor Code. Lucas feared Liberty would punish him for being gay, and enrolled in a conversion therapy program provided and encouraged by Liberty policy as a way to avoid punishment for policy violations related to LGBT identity. 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, Lucas's complaint should not be considered time-barred because Liberty continues to discriminate against Lucas 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

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.

Not applicable

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- 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?

Lucas would like Liberty's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Liberty 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) Liberty 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) Liberty's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Liberty, 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 27, 2021

(Date)

  
(Signature)  
Lucas Wilson

(Signature of person in Item 2)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

May 4, 2022

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

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

*Re:* Liberty University  
OCR Case No. 11-21-2235

Dear Ms. Swain:

On July 27, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against Liberty 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. Specifically, you allege that:

1. The University discriminates against LGBTQ+ students through its policies and practices, including the Statement on Sexuality and Relationships in the Student Honor Code and the role of the on-campus group called Armor Bearers (Allegation 1); and
2. The University discriminated against the Student on the basis of sexual orientation while he attended the University between 2008 and 2012 by maintaining a policy that behavior reflecting LGBT identity was a violation of the Student Honor Code, and by encouraging him to participate in conversion therapy to avoid punishment (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.*

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 2008 and May 2012, 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 July 27, 2021, more than 180 days after the University allegedly discriminated against the Student between August 2008 and May 2012.

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 202-245-8392, 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.

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 Sarah Morgan, the OCR attorney assigned to this complaint, at (202) 245-7364, or by email at [sarah.morgan@ed.gov](mailto:sarah.morgan@ed.gov).

Sincerely,

Zorayda Moreira-Smith  
Supervisory Attorney

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**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>Lord, Jamie</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>Regent School of Law</u>
<b>Address:</b>	<u>1000 Regent University Drive,</u> <u>RH 255L</u>
<b>City, State, Zip Code:</b>	<u>Virginia Beach, VA, 23464</u>
<b>Department/School:</b>	<u>School of Law</u>

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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.

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.

Although Regent representative told Jamie before she enrolled that being a lesbian was not a problem for the school, after she became a student, Regent officials warned Jamie that she could be expelled for "premarital sex" because she is in a lesbian relationship or if she were to bring her girlfriend on campus. A professor harassed Jamie because of her sexual orientation and repeatedly condemned and insulted LGBT people in class. Regent did not respond to Jamie's complaints about the professor's behavior.

Regent's student handbook contains the following: "Sexual misconduct that is prohibited includes disorderly conduct or lewd, indecent, or obscene conduct or expression, involvement with pornography, premarital sex, adultery, homosexual conduct or any other conduct that violates Biblical standards."

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;

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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, Jamie's complaint should not be considered time-barred because Regent continues to discriminate against Jamie 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.

Jamie attended many classes at Regent where professors described LGBTQ+ people as pedophiles, child molesters, undeserving of marriage, and as destined for hell. Jamie reported these incidents to Regent administration but the administration took no action.

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



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

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

Jamie would like Regent's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Regent 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) Regent 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) Regent's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Regent, 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)

0 i l l

(Signature of person in Item 2)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

May 24, 2022

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

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

*Re:* Regent University  
OCR Case No. 11-21-2233

Dear Ms. Swain:

On July 28, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against Regent University, particularly its School of Law. You filed the complaint on behalf of a student at the University, whom we will refer to as the Student, and on behalf of other 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 homosexual conduct (Allegation 1); and
2. The University discriminated against the Student, because she is a lesbian, when:
  - a. During the 2020-2021 academic year, the Student's Constitutional Law professor, whom we will refer to as the Professor, made disparaging remarks about the Student's sexual orientation and LGBTQ+ individuals and communities (Allegation 2.a); and
  - b. The University failed to respond to the Student's reports, made during the Spring 2021 semester, regarding the Professor's remarks (Allegation 2.b).

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 the complaint for investigation because OCR has determined that it has jurisdiction, that the complaint 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 the allegations, please contact the OCR staff person identified below within 10 days of the date of

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

this letter. Please note that opening the complaint 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 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/ocrcpm.pdf>. In accordance with the CPM, OCR will provide a copy of the complaint to the University. 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.

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 Abony Alexander, the OCR attorney assigned to this complaint, at [abony.alexander@ed.gov](mailto:abony.alexander@ed.gov).

Sincerely,



LETISHA MORGAN-  
COSIC  
2022.05.24 10:07:47  
-04'00'

Letisha Morgan-Cosic  
Team Leader



**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

October 19, 2021

Lauren Swain  
Administrative Assistant/Paralegal REAP  
Paul Southwick Law, LLC  
8532 N. Ivahoe St., # 208  
Portland, OR 97203

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

Re: OCR Complaint No. 08-21-2212  
Brigham Young University

Dear Ms. Swain:

On July 27, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received your complaint against Brigham Young University (the University). You filed the complaint on behalf of your client, Ashtin Markowski. You allege that the University discriminated against your client on the basis of sexual orientation. Specifically, the complaint alleges that the University (1) fired your client for cutting her hair in a style that was too masculine; and (2) prohibited her from dating someone of the same gender.

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. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to this law. Additional information about the laws OCR enforces is available on OCR's website at <http://www.ed.gov/ocr>.

After carefully reviewing the information you provided, OCR determined that it is dismissing your complaint. OCR explains its decision in further detail below.

Under Section 108(j) of OCR's *Case Processing Manual* (CPM), OCR will dismiss a complaint allegation when the same or a similar allegation based on the same operative facts has been filed either by the complainant or someone other than the complainant against the same recipient with a state or federal court.

Based on information you provided in your complaint, the same or similar allegations were filed against the University in the U.S. District Court for the District of Utah on December 11, 2020, and the allegations are pending in that court. Accordingly, OCR is dismissing your complaint under

Section 108(j) of the CPM as of the date of this letter and will take no further action on the complaint.

You may re-file the allegations with OCR within 60 days following termination of the court proceeding if there has been no decision on the merits or settlement of the allegations. Please note that dismissal with prejudice is considered a decision on the merits.

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 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or by fax. You may either submit a completed appeal form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>, or send 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 by e-mail, send to [OCR@ed.gov](mailto:OCR@ed.gov). If submitted by 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.

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 retaliation complaint with OCR.

Under the Freedom of Information Act, 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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Stephen Worthington, the OCR attorney assigned to this complaint, at (303) 844-3682 or [stephen.worthington@ed.gov](mailto:stephen.worthington@ed.gov).

Sincerely,

Sandra J. Roesti  
Supervisory Attorney



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

January 12, 2022

**VIA ELECTRONIC MAIL**

Lauren Swain  
8532 North Ivanhoe Street #208  
Portland, Oregon 97203  
[lauren@paulsouthwick.com](mailto:lauren@paulsouthwick.com)

Re: OCR Complaint No. 09-21-2317

Dear Ms. Swain:

On July 27, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint, filed on behalf of Joanna Maxon (Student), against Fuller Theological Seminary in California. The complaint alleged discrimination based on sexual orientation and marital status. OCR understands your allegations to be as follows:

1. The Seminary discriminated against the Student when it expelled her in Fall 2018 after it discovered that the Student was in a same-sex marriage; and
2. The Seminary's policies regarding marriage and sexual standards discriminate against "LGBTQ+" students.

For the reason explained below, OCR is dismissing your complaint.

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

Section 108(j) of OCR's Case Processing Manual<sup>1</sup> provides as follows:

<sup>1</sup> Case Processing Manual (dated Aug. 26, 2020) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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

OCR will dismiss an allegation when the same or a similar allegation based on the same operative facts has been filed either by the complainant or someone other than the complainant against the same recipient with a state or federal court. OCR will advise the complainant that she or he may re-file the complaint with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the merits or settlement of the complaint allegations. A dismissal with prejudice is considered a decision on the merits.

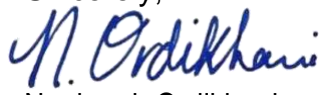
The allegations raised in this OCR complaint were filed against the Seminary in an action in the United States District Court for the Central District of California. On December 13, 2021, the Ninth Circuit Court of Appeals affirmed the district court's dismissal with prejudice of the Title IX claims against the Seminary. A dismissal with prejudice is considered a decision on the merits. Accordingly, OCR is dismissing your OCR complaint pursuant to Section 108(j).

This concludes OCR's consideration of your complaint. While complainants may refile complaints with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the merits or settlement of the complaint allegations, here the appellate court has already issued a decision on the merits of the Student's Title IX claims.

You have a right to appeal OCR's dismissal of this complaint within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. Please note that given current challenges associated with COVID-19, it is recommended that appeals be submitted online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>. You can also 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.

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 about this letter, please contact Jenny Moon, civil rights attorney, at [jenny.moon@ed.gov](mailto:jenny.moon@ed.gov).

Sincerely,  
  
Naghmeh Ordikhani  
Team Leader



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

January 12, 2022

**VIA ELECTRONIC MAIL**

Lauren Swain  
8532 North Ivanhoe Street #208  
Portland, Oregon 97203  
[lauren@paulsouthwick.com](mailto:lauren@paulsouthwick.com)

Re: OCR Complaint No. 09-21-2322

Dear Ms. Swain:

On July 28, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint, filed on behalf of Nathan Brittsan (Student), against Fuller Theological Seminary in California. The complaint alleged discrimination based on sexual orientation and marital status. OCR understands your allegations to be as follows:

1. The Seminary discriminated against the Student when it expelled him in Fall 2017 after it discovered that the Student was in a same-sex marriage; and
2. The Seminary's policies regarding marriage and sexual standards discriminate against "LGBTQ+" students.

For the reason explained below, OCR is dismissing your complaint.

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

Section 108(j) of OCR's Case Processing Manual<sup>1</sup> provides as follows:

<sup>1</sup> Case Processing Manual (dated Aug. 26, 2020) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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



OCR will dismiss an allegation when the same or a similar allegation based on the same operative facts has been filed either by the complainant or someone other than the complainant against the same recipient with a state or federal court. OCR will advise the complainant that she or he may re-file the complaint with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the merits or settlement of the complaint allegations. A dismissal with prejudice is considered a decision on the merits.

The allegations raised in this OCR complaint were filed against the Seminary in an action in the United States District Court for the Central District of California. On December 13, 2021, the Ninth Circuit Court of Appeals affirmed the district court's dismissal with prejudice of the Title IX claims against the Seminary. A dismissal with prejudice is considered a decision on the merits. Accordingly, OCR is dismissing your OCR complaint pursuant to Section 108(j).

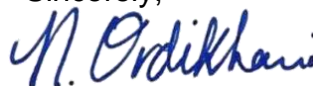
This concludes OCR's consideration of your complaint. While complainants may refile their complaints with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the merits or settlement of the complaint allegations, here the appellate court has already issued a decision on the merits of the Student's Title IX claims.

You have a right to appeal OCR's dismissal of this complaint within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. Please note that given current challenges associated with COVID-19, it is recommended that appeals be submitted online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>. You can also 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.

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 about this letter, please contact Jenny Moon, civil rights attorney, at [jenny.moon@ed.gov](mailto:jenny.moon@ed.gov).

Sincerely,



Naghmeh Ordikhani  
Team Leader

May 5, 2022

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

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

*Re:* Liberty University  
OCR Case No. 11-21-2236

Dear Ms. Swain:

On July 28, 2021, the United States Department of Education's Office for Civil Rights (OCR) received your complaint against Liberty 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 discriminates against LGBTQ+ students through its policies and practices, including the Statement on Sexuality and Relationships in the Student Honor Code (Allegation 1); and
2. The University discriminated against the Student on the basis of sexual orientation and gender identity when faculty harassed them in the fall of 2018 (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.

After carefully reviewing the information you provided, OCR has determined that it will not investigate the complaint.

#### Allegation 1

OCR is dismissing Allegation 1 under Section 108(n) of OCR's *Case Processing Manual* (CPM), which states that OCR will dismiss an allegation if OCR is currently investigating the same or similar allegations based on the same facts. On May 4, 2022, OCR opened an

investigation into a similar allegation in a separate complaint you filed against the University (Complaint No. 11-21-2235).

### 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 2018 and December 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 July 28, 2021, more than 180 days after the University allegedly discriminated against the Student between August 2018 and December 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 202-245-8392, 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.

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.


---

*Jennifer Barmon*

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>Murphy, Alice</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>Brigham Young University (BYU)</u>
<b>Address:</b>	<u>NA</u>
<b>City, State, Zip Code:</b>	<u>Provo, UT 84602</u>
<b>Department/School:</b>	<u>Administration</u>

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.

Alice worried about getting kicked out, losing her scholarship, or facing disciplinary actions if BYU discovered that Alice is a member of the LGBTQ community. Alice also fears getting kicked out of BYU-approved housing. 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, Alice's complaint should not be considered time-barred because BYU continues to discriminate against Alice 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

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.

Not applicable

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.
- 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?

Alice would like BYU's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by BYU 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) BYU 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) BYU's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of BYU including housing and other programs.

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

02/11/2021  
 \_\_\_\_\_  
 (Date)  
 Nov 2, 2021  
 \_\_\_\_\_  
 (Date)

  
 \_\_\_\_\_  
 (Signature)  
 /s/ Alice Murphy  
 \_\_\_\_\_  
 (Signature of person in Item 2)

**Paul Carlos Southwick (OSB 095141)**  
**Religious Exemption Accountability Project**  
**Paul Southwick Law, LLC**  
8532 N. Ivanhoe St. #208,  
Portland, OR 97203  
Email: paul@paulsouthwick.com  
Phone: 503-806-9517

**Timothy R. Volpert (OSB 814074)**  
**Tim Volpert PC**  
211 NE Hancock St. Ste. 2B  
Portland, OR 97212  
Email: tim@timvolpertlaw.com  
Phone: 503-703-9054

**Alletta S. Brenner (OSB 142844)**  
**Perkins Coie LLP**  
1120 N.W. Couch Street, Tenth Floor  
Portland, Oregon 97209-4128  
Email: misaak@perkinscoie.com  
Email: ABrenner@perkinscoie.com  
Phone: 503-727-2000

**Misha Isaak (OSB 086430)**  
**Perkins Coie LLP**  
1120 N.W. Couch Street, Tenth Floor  
Portland, Oregon 97209-4128  
Email: misaak@perkinscoie.com  
Email: ABrenner@perkinscoie.com  
Phone: 503-727-2000

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

Elizabeth HUNTER: et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 U.S. DEPARTMENT OF EDUCATION; et al. )  
 )  
 Defendants. )  
 )  
 v. )  
 )  
 )  
 COUNCIL FOR CHRISTIAN COLLEGES & )  
 )  
 UNIVERSITIES, WESTERN BAPTIST )  
 )  
 COLLEGE d/b/a/ CORBAN UNIVERSITY, )  
 )  
 WILLIAM JESSUP UNIVERSITY AND )  
 )  
 PHOENIX SEMINARY, )  
 )  
 )  
 Defendants-Intervenors.

Case No. 6:21-cv-00474-AA

**DECLARATION OF ALICE MURPHY**

I, Alice Murphy, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Provo, Utah.

DECLARATION OF ALICE MURPHY

Religious Exemption Accountability Project  
Paul Southwick Law, LLC



3. I was formerly a student at Brigham Young University - Provo.
4. I am 19 years old.
5. I am a member of the LGBTQ+ community and use she/Xyr pronouns.
6. I attended BYU from the fall semester of 2020 through the spring semester of 2021.
7. I grew up a member of the Church of Jesus Christ of Latter-Day Saints (“LDS”).
8. One of my parents is a professor at BYU and I received half-cost tuition if I attended school there.
9. I had a lot of parental pressure to attend BYU as my parents said it was better than any of the other schools I was considering, because I could receive half off of tuition, and because one of my parents is a professor there.
10. In the spring of 2021 I began to feel uncomfortable at BYU.
11. In my classes, students made lots of anti-LGBTQ comments which were really rude to the community. Some professors tried their best to get them to knock it off, others didn’t seem to care and seemed to honestly agree.
12. There were a couple of demonstrations on campus that got quickly shut down. It was really discouraging, and it was difficult and discouraging to kids like me who are closeted.
13. I didn’t feel like I was able to be myself. I stayed in the closet and was quiet about everything.
14. I was worried about getting kicked out, losing my scholarship, or facing disciplinary actions. I was worried about other students being negative and rude. I had seen their opinions, and if they knew I was a member of the LGBTQ+ community they wouldn’t have taken kindly to that.

15. I decided to transfer to a smaller university beginning fall of 2021 because of all these worries. It was expensive because I was not able to get any scholarships. It is pretty hard and my parents did not understand.

16. I was not out to my family when I left BYU. I only recently came out to my parents and extended family. There has been a lot of backlash and confusion.

17. I currently face fear of being kicked out of my apartment, as I live in BYU-approved housing.

18. The current housing policies discriminate against me because of my sexual orientation. I am fearful to put up my pride flags.

19. I want to share my story but can only do so anonymously because of what I have stated here previously.

20. I have been a federal taxpayer.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 28th day of October, 2021.

By: /s/ Alice Murphy  
Alice Murphy



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

May 24, 2022

Lauren Swain  
Administrative Assistant/Paralegal REAP  
Paul Southwick Law, LLC  
8532 N. Ivanhoe St., # 208  
Portland, OR 97203

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

Re: OCR Complaint No. 08-22-2039  
Brigham Young University

Dear Ms. Swain:

On November 2, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received your complaint against Brigham Young University in Provo, Utah (the University). You filed the complaint initially on behalf of a named client. On February 17, 2022, you asked OCR to replace your initial complaint with a redacted complaint, noting that the named client was a pseudonym and that this pseudonymous complainant revokes their previously submitted consent form to OCR. You added that they do not consent to the disclosure of their true identity or other personal information at this time.

The redacted complaint alleges that the University discriminated against the pseudonymous complainant on the basis of sexual orientation and gender identity while enrolled at the University in the fall semester of 2020 through the spring semester of 2021. Specifically, the complaint alleges that the complainant was worried about “getting kicked out, losing [their scholarship], or facing disciplinary actions” if the University discovered that the complainant was a member of the LGBTQ community. The complaint also alleges that the former University student fears “being kicked out” of their current University-approved housing.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 - 1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX. Title IX and its implementing regulations contain several exemptions and exceptions from its coverage. See 20 U.S.C. §§ 1681(a)(1)-(9); 34 C.F.R. §§ 106.11-106.15.

After carefully reviewing the information you provided, OCR determined that it is dismissing your complaint. OCR explains its decision in further detail below.

Pursuant to Section 108(f) of OCR's *Case Processing Manual* (CPM),<sup>1</sup> OCR must dismiss a complaint if it determines that it does not have subject matter jurisdiction over the complaint.

By letter to the Assistant Secretary for Civil Rights dated November 19, 2021, the University requested an assurance of exemption from the application of Title IX and its implementing regulation. By letter dated January 3, 2022, the Assistant Secretary for Civil Rights assured the University of its exemption from certain of the Title IX regulatory provisions to the extent that application of the provisions conflict with the religious tenets of its controlling religious organization that pertain 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. § 106.36 (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)

Because the University is exempt from the above-referenced regulatory provisions of Title IX to the extent that their application conflicts with the religious tenets of its controlling religious organization that pertain to sexual orientation and gender identity, OCR lacks jurisdiction to address the allegations in your complaint. Accordingly, OCR is dismissing your complaint pursuant to Section 108(f) of the CPM.<sup>2</sup>

OCR also 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.

<sup>1</sup> See CPM (Aug. 26, 2020) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

<sup>2</sup> We also note that the Title IX regulation about housing cited above does not apply to former students of the recipient like your client.

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, 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 you have any questions, you may contact Stephen Worthington, the OCR attorney assigned to this case, at (303) 844-3682 or [stephen.worthington@ed.gov](mailto:stephen.worthington@ed.gov).

Sincerely,

Sandra J. Roesti  
Supervisory Attorney

**Re: OCR Case 08-22-2039**

Lauren Swain <lauren@paulsouthwick.com>

Thu 5/26/2022 3:03 PM

To: Worthington, Stephen <Stephen.Worthington@ed.gov>

Mr. Worthington,

Thank you for this notification.

Is the complainant, Alice Murphy, permitted to appeal?

Lauren Swain

**Lauren Swain**  
**Administrative Assistant/Paralegal REAP**  
**Paul Southwick Law, LLC**  
**lauren@paulsouthwick.com**



---

**From:** Worthington, Stephen <Stephen.Worthington@ed.gov>

**Sent:** Tuesday, May 24, 2022 7:22 AM

**To:** Lauren Swain <lauren@paulsouthwick.com>

**Subject:** OCR Case 08-22-2039

Dear Ms. Swain:

Please find attached a letter explaining the outcome of your civil rights complaint against Brigham Young University (OCR Case 08-22-2039).

Thank you,

**Stephen Worthington**

*(he/him/his)*

Attorney | U.S. Department of Education, Office for Civil Rights

OCR Denver Office | 1244 Speer Boulevard, Suite 310 | Denver, CO 80204 | (303) 844-3682 | [stephen.worthington@ed.gov](mailto:stephen.worthington@ed.gov)

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**RE: OCR Case 08-22-2039**

Worthington, Stephen <Stephen.Worthington@ed.gov>

Fri 5/27/2022 10:26 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Ms. Swain,

In this case, OCR's dismissal is not appealable. OCR only affords an opportunity for a complainant to appeal a dismissal when the dismissal is based on subsections 108(a), -(b), -(c), -(d), -(i), or -(j) of OCR's *Case Processing Manual (CPM)*. Because this complaint was dismissed under *CPM* subsection 108(f), it cannot be appealed.

You may read more about OCR's appeal process in Section 307 of the [Case Processing Manual](#).

Stephen Worthington

(he/him/his)

Attorney | U.S. Department of Education, Office for Civil Rights

OCR Denver Office | 1244 Speer Boulevard, Suite 310 | Denver, CO 80204 | (303) 844-3682 | [stephen.worthington@ed.gov](mailto:stephen.worthington@ed.gov)

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**From:** Lauren Swain <lauren@paulsouthwick.com>

**Sent:** Thursday, May 26, 2022 4:04 PM

**To:** Worthington, Stephen <Stephen.Worthington@ed.gov>

**Subject:** Re: OCR Case 08-22-2039

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Mr. Worthington,

Thank you for this notification.

Is the complainant, Alice Murphy, permitted to appeal?

Lauren Swain

Lauren Swain

**Administrative Assistant/Paralegal REAP**

**Paul Southwick Law, LLC**

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