

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF ASHTIN MARKOWSKI</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Ashtin Markowski, 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 Springville, UT, located in Utah County.
3. I started attending Brigham Young University in Provo, UT in September 2014. I graduated in December 2020.
4. I chose Brigham Young because of family tradition and religious affiliation.
5. BYU’s recent history when it comes to its stance on queer students is volatile.
6. In February 2020, the school removed the wording banning same-sex romantic attraction. However, a few weeks later, a commissioner from the LDS church sent out a letter stating in no uncertain terms that “the moral standards of the Church did not change” and that “same-sex romantic relationships cannot lead to eternal marriage and are therefore not compatible with the principles included in the honor code.”
7. Presently BYU’s honor code states that students, faculty, and staff must “live a chaste and virtuous life, including abstaining from any sexual relations outside of a marriage between a man and a woman.”
8. I am a lesbian woman.
9. I did not generally feel safe coming out on the BYU campus.
10. I do have some friends on campus who are supportive.

**DECLARATION OF ASHTIN MARKOWSKI**

11. I had an on-campus job at the Missionary Training Center where I trained missionaries and taught people about our church online. I did this for two and a half years.
12. I was fired from this job after I cut my hair to better match my gender expression. This firing was done according to the school's purported rules, saying that my hair was "extreme and distracting" and that it was "too masculine, not feminine enough".
13. I did not feel that I was going against the school's dress and grooming standards and that their interpretation of these rules was very subjective. This seemed especially subjective as they had just hired a man with bleached hair, although having bleached hair was against their rules for men.
14. I still have nightmares about running into my former supervisor or manager.
15. I still cannot drive by BYU's campus or the MTC (across the street) without feeling on edge.
16. Even though I graduated months ago, I still feel like I am going to "get in trouble" because of how I constantly had to worry that I would be thrown out of school for dating someone of the same gender.
17. To be able to attend BYU, students have to renew their ecclesiastical endorsement every year. This means that the students must be deemed "worthy" by the church and are willing to live the church's commandments and the school's honor code.
18. I was constantly worried I would lose this endorsement, as the church had conditioned me to discuss my attraction towards other girls with my bishop.
19. I began to feel unwelcome at the church for being gay, adding to my terror that I would lose my endorsement.
20. BYU's current policies make me feel unsafe and unwelcome to be who I am on campus.
21. I was thrilled when BYU changed their Honor Code to remove the prohibition on "homosexual behavior". I rejoiced with my fellow LGBTQ+ students and even knew some people who came out publicly during this time because they felt safe.
22. When the church declared that "homosexual behavior does not lead to eternal marriage" it did not make sense to me. One reason was that it is one of only many things that do not lead to "eternal marriage" and those are not dealt with by the Honor Code.
23. I also felt that the school did not actually care about its LGBTQ+ students and their safety. The school wanted an excuse to not allow non-sexual same-gender behavior such as dating, handholding, kissing, or cuddling. I felt pain for those who felt safe coming out or posting pictures of them kissing someone of the same gender on campus.
24. As a result of my time at BYU and because of their policies, I was diagnosed with generalized anxiety disorder and major depressive disorder. I also scored high on an

ADHD evaluation. I am currently working with a LGBTQ+ affirming therapist for religious trauma and C-PTSD.

25. I was so conditioned that I did not realize I was gay until my second relationship with a woman.
26. For the time in between my first and second relationship, I talked to a BYU appointed Bishop who said he wanted to help me overcome my feelings of “temptation” and “same-sex attraction.”
27. I was asked if it was a sex addiction. I was told I needed to be more feminine. He wanted to help “get me back on the right path” because “many people looked up to me and the pain of leading them astray would be worse than I ever experienced.”
28. I wonder if people will see BYU on my resume and judge me without meeting me or seeing me, especially since I no longer identify with the Mormon church and am happily with a woman.
29. I am participating in this lawsuit because I don’t want anyone else to feel how I’ve felt – betrayed, unsafe, constantly anxious, and feeling like something bad is going to happen.
30. I do not think it is fair how BYU handled their Honor Code and the subsequent letter.
31. I also do not think that it is right that BYU fired me from my on-campus job for my haircut.
32. I think all universities and colleges should be held to a standard which requires them to treat all individuals with respect and love.
33. I am a federal income taxpayer in the United States. I am also repaying student loans from the U.S. Department of Education that I took out to enroll in Brigham Young University.

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 29 day of March, 2021.

By: s/Ashtin Markowski  
\_\_\_\_\_  
Ashtin Markowski



8. The Seventh-day Adventist position statement refers to Bible verses that state: “If a man has sexual relations with a man as one does with a woman, both of them have done what is detestable. They are to be put to death; their blood will be on their own heads.” Leviticus 20:13.
9. La Sierra also provides a “Q&A” for its Sexual Morality policy. The Q&A states:

***Q&A***

***What is La Sierra’s stance on the official recognition of LGBTQ clubs or organizations?***

- *At this time, La Sierra does not officially recognize student organizations representing alternative lifestyles.*

***Can students face disciplinary action just for identifying as LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer)?***

- *No. However, all students (LGBTQ and heterosexual) could face disciplinary action for misconduct.*

***May a student disagree with the universities [sic] statement on sexual relationships?***

- *Yes, you can disagree but within the context of respect and recognition of the values of the university.*
- *La Sierra University’s policies are informed by and adhere to biblical principles. The university acknowledges the complexity of issues surrounding sexuality, and is committed to the open and rigorous study of Scripture and discussion of all perspectives, both inside and outside the classroom. Regardless of one’s view on the subject, La Sierra University affirms the dignity and worth of every person and seeks to create a campus culture where each person is treated with Christian love, dignity and respect.*

***Is there support for LGBTQ students?***

- *Yes, there is support and we believe students who experience same sex attraction are best supported when they are able to share their questions, struggles, or their self-understanding with others in a trusted environment. Experiencing identity issues in isolation can be overwhelming; community support can be positive and nurturing. Thus the university offers support for LGBTQ and questioning students.*

***Can students be disciplined for sexual activity outside marriage?***

- *Sexual misconduct, depending on the facts and circumstances of each case, may result in disciplinary action. In all disciplinary matters, we seek to be redemptive in the lives of the individuals involved. Consequently, the university will offer pastoral care and assistance to support and strengthen the student’s resolve to live consistently within traditional Christian teaching on sexuality.*

10. I am a queer, non-binary person.
11. As a student, my problems have been with the administration and their actions, rather than with other students.

12. Whether it be having vague and problematic policies or their performative activism, queer students aren't protected at La Sierra.
13. When LGBTQ+ students have filed complaints of discrimination, myself among them, staff and faculty use their discretion to justify the lack of change on campus.
14. The administration does not fully support our LGBTQ+ group on campus and the work we are doing, as we are not allowed to be an officially recognized club.
15. While La Sierra no longer punishes a student merely for identifying as LGBTQ+, the school continues to adhere to a policy that considers homosexual activities and relationships to be "detestable," as is stated in the Seventh-day Adventist position on Homosexuality that is formally adopted by La Sierra in its Sexual Morality policy.
16. It feels threatening to know that La Sierra considers same-sex dating to be "sexual misconduct" that could result in my expulsion.
17. Even where a queer student is in a romantic, but non-sexual relationship, they could be subject to exploitation and potential discipline.
18. During my time as a criminal justice student, I witnessed ample amounts of homophobia and transphobia on campus.
19. I was once sat down by the director of the Corona, California campus to show me the righteousness of heterosexuality.
20. I have personally witnessed professors using hate speech about queer identities during lectures, with students present.
21. Most of the discrimination I have endured involves hate speech, performative activism, and censoring the on-campus LGBTQ+ group.
22. It has been very difficult to be a queer, disabled person of color at La Sierra. My leadership and opposition to La Sierra's "separate but equal" policies have been shut down on more than one occasion.
23. Universities such as La Sierra need to take the consequences of their actions against queer students seriously.
24. I am a federal income taxpayer in the United States. I will also have to repay student loans from the U.S. Department of Education that I took out to enroll in La Sierra.

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 29 day of March, 2021.

By: S/Cameron Martinez

\_\_\_\_\_  
Cameron Martinez



11. However, I did not graduate from Fuller because I was suddenly expelled for my sexuality and my same-sex marriage.
12. Despite being denied a degree, I am still repaying the federal student loans from the U.S. Department of Education that I took out to enroll at Fuller.
13. Fuller has a policy against unlawful discrimination. In this policy, the school says that it does not discriminate on the basis of “race, color...sex, marital status...gender, gender identity, gender expression.”
14. The same statement also says, “Fuller Theological Seminary does not unlawfully discriminate on the basis of sexual orientation. The seminary does lawfully discriminate on the basis of sexual conduct that violates the Community Standard Statement on Sexual Standards. The seminary believes that sexual union must be reserved for marriage, which is a covenant union between one man and one woman. The seminary believes premarital, extramarital, and homosexual forms of sexual conduct to be inconsistent with the teachings of scripture. Therefore, the seminary expects members of its community to abstain from what it holds to be unbiblical sexual practices.”
15. Fuller Theological Seminary does not expressly forbid students from marrying students of the same sex.
16. Fuller also does not state that the consequence for same-sex marriage would be immediate dismissal.
17. Fuller also has a Community Standard: Sexual Standards policy which states, in part, “Fuller Theological Seminary believes that sexual union must be reserved for marriage, which is the covenant between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes that premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community...to abstain from what it holds to be unbiblical sexual practices.”
18. I am a pansexual woman.
19. I initially attended Fuller because they had online classes along with a campus in Texas. I also liked Fuller because it had over 150 Christian denominations represented in the student body and is known for progressive stances on immigration, race, and other issues.
20. I felt safe being out about my sexuality with other students and professors at Fuller. I spoke and wrote about my family, including my wife and daughter. None of my professors or other students expressed concern to me about my same-sex marriage.
21. However, I was expelled in 2018 after someone in the Financial Aid Department learned about my same-sex marriage from my tax return. They took it upon themselves to report me to the administration for what they perceived to be a violation of Fuller’s policies.

22. However, no investigation was made to determine whether I had committed a homosexual conduct violation, nor were Fuller's own disciplinary procedures followed.
23. During this process, the person who handled my case held the dual roles of investigating Fuller's complaint against me and being responsible for investigating the potential discrimination *by* Fuller against me. This placed the Title IX officer in a conflict of interest position.
24. I was expelled after the dean of the school determined that my marriage put me in violations of Fuller's Community Standards.
25. I was five classes short of earning my degree from Fuller after three years of hard work.
26. I was immediately withdrawn from the classes I was attending at the time.
27. I was devastated. I felt betrayed by Fuller's actions. I thought the community had welcomed me. I expected at the very least to be treated with more respect and kindness than they showed me.
28. Fuller's expulsion impacted my family life. I had a hard time trusting people, even my own family. I withdrew, both emotionally and physically, from my wife and daughter as a result of the harm I experienced. This was hard for my wife and teenage daughter.
29. I spent nearly a year of holding the pain and anger inside and not talking with friends or a therapist about it because I was not emotionally able to face what Fuller had done to me.
30. My work performance was also impacted by the stress of my expulsion. I was not able to be fully present as an employee.
31. Eventually, I sought counselling for my expulsion. This counselling has brought up other areas of rejection and betrayal from my childhood. My therapy is ongoing.
32. The week I was expelled was also near the anniversary of Matthew Shepard's death and occurred when my church, the United Methodist Church, took an additional rejecting stance on LGBTQ+ people.
33. This compounded rejection was very hard for me emotionally and spiritually. I felt lost and confused.
34. I am participating in this case because I do not want anyone else to be injured in the way I have been. I want to make whatever difference I can for those behind me.
35. I am a federal taxpayer and do not feel that my taxes should be spent in furthering the discrimination against me by Fuller.
36. 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 26th day of February, 2021.

By:   
Joanna Maxon

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474-AA
v.	)	<b>DECLARATION OF MACKENZIE</b>
	)	<b>MCCANN</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Mackenzie McCann, declare:

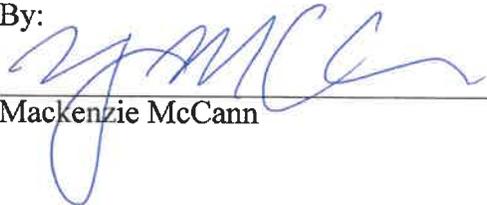
1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Bethlehem, Pennsylvania, located in Lehigh County.
3. Beginning in August 2018, I became a student at Liberty University in Lynchburg, VA. I left the school in December 2018 without graduating.
4. I am a federal income taxpayer in the United States. I will also be required to repay student loans that I took out from the U.S. Department of Education to attend Liberty University.
5. I chose Liberty University for a variety of reasons. One was that I intended to shift my focus from Psychology (my major at Pace University, my prior and now current university), to Biblical Studies. At the time I was a devout Christian, and I hoped to be around like-minded individuals.
6. I was impressed by Liberty University's credentials and academic programs and was looking forward to spiritual offerings and resources on campus.
7. Liberty University operates under a "Statement on Sexuality and Relationships," which appears in the Student Honor Code, "The Liberty Way."
8. The Student Honor Codes dictates numerous standards of behavior regulating everything from the clothes students are allowed to wear to which movies are forbidden.
9. This policy states (in its entirety) "Sexual relations outside of a biblically ordained marriage between a natural-born man and a natural-born woman are not permissible at Liberty University. In personal relationships, students are encouraged to know and abide

by common-sense guidelines to avoid the appearance of impropriety. Activities inconsistent with these standards and guidelines are violations of the Student Honor Code.”

10. I am non-binary and queer.
11. From the minute I stepped on to Liberty's campus, I knew it'd never be safe to be authentically myself (as it relates to my gender and sexuality's queerness).
12. I consistently dealt with homophobic and misogynistic comments from students and faculty at Liberty University. Included in these comments were requests to pray for someone that was a lesbian. Also, a fellow, male, student, in reference to me, “the dyke’s kinda hot.”
13. Other situations I dealt with at Liberty University included being asked to justify my lifestyle in the Bible, friends saying they were praying I would be “freed from my homosexuality,” and angry comments that there were only two genders.
14. In short, my fear of isolation transformed into a monster that became self-silencing and self-hatred. My once-spirited opinions about queer rights and visibility morphed into a desperate attempt to fit in and avoid social/emotional persecution.
15. There was no safety or support for me as a queer, non-binary person at Liberty University. I'm sure there still isn't.
16. I started dating a woman long-distance during my first year at Liberty. I couldn't tell anyone because it was prohibited by Liberty and would have ostracized me socially.
17. The secrecy and self-doubt was a huge strain and source of anxiety. I felt like I could not trust my heart because my beliefs and Liberty's policies told me that my heart desired something sinful.
18. Students at Liberty behave in homophobic and anti-queer ways because they know that they can do so with relative impunity. Liberty's culture enables such conduct and makes students feel like Liberty is backing them.
19. I was forced to leave Liberty University after one semester because of the emotional strain that I was facing. I left the school for my own emotional safety.
20. A psychologist at Liberty University diagnosed me at the time with Bipolar Disorder. After leaving, I spent months in psychotherapy related to my experience there. During that therapy I discovered that this was a misdiagnosis at best and that the issues I was having had nothing to do with bipolar disorder.
21. Rather, my mental health struggles stemmed from the repercussions of Liberty's campus climate, in which my queer identity was demonized as something evil.

22. During my time at Liberty, I was not aware of any queer support group.
23. I did not feel safe telling faculty, staff or even medical or mental health professionals at Liberty about my queer identity.
24. 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 12th day of February 2021.

By:



---

Mackenzie McCann

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474-
v.	)	AA
	)	<b>DECLARATION OF DARREN</b>
U.S. DEPARTMENT OF EDUCATION and	)	<b>MCDONALD</b>
Suzanne GOLDBERG, in her official capacity as	)	
Acting Assistant Secretary for Civil Rights,	)	
U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Darren McDonald, 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 Portland, Oregon, located in Multnomah County.
3. I grew up in Arcadia, California.
4. I am a gay man. I'm also a partially sighted person.
5. I grew up knowing that I had to follow the rules because I needed the approval of my parents and church for my safety and protection.
6. I grew up attending a Presbyterian Church USA congregation.
7. I attended public schools through high school. I was in special education through elementary school and was bullied heavily during those years.
8. I found a lot of acceptance in church because I was not viewed as the blind, fat kid, like I was at school. I was viewed as a whole person and part of a family.
9. I began at Westmont College in Santa Barbara, California in August 1998. I graduated in 2002.
10. I began Fuller Theological Seminary in Pasadena, California in September, 2002. I graduated in December 2006.
11. I received student loans or grants from the U.S. Department of Education to attend Fuller.
12. Westmont has multiple statements listed in its online student handbook when it comes to marriage and homosexuality.

13. The first statement comes in the Behavioral Expectations section at the beginning of the student handbook. The statement is “the college will not condone practices the Scripture forbids” followed by a list of activities including “sexual relations outside of marriage.” A later statement in this section states: “the college expects our members who chose to marry to abide by the commitment to lifelong heterosexual marriage.”
14. Westmont’s rule against Lewd, Indecent, or Obscene Conduct includes the statement “discretion should also be exercised regarding watching videos, hanging posters, and viewing periodicals, websites or social media sites that are degrading and/or promote an unhealthy view of sex, sexuality, and gender.”
15. Westmont also has a very lengthy section in its student handbook regarding Sexual Activity Outside of Marriage. The statement reads, in full (emphasis added):

*At Westmont, we are committed to helping our students develop Christ-like maturity in all areas of their lives, which includes helping students make wise and biblical decisions regarding sexual activity. The Community Life Statement reflects the college’s understanding of Scripture, which is the church’s historic, classical interpretation of marriage and sexual fidelity. In regard to sexual activity, **the college will not condone practices that Scripture forbids, including sexual relations outside of marriage between persons of opposite sex or persons of the same sex.** Additionally, conduct promoting such intimacy between unmarried persons (i.e., nudity, lying in bed together) is unacceptable behavior and private situations that foster such behavior should be avoided. Members of the Westmont community who choose to marry are expected to abide by the **commitment to lifelong heterosexual marriage**, and whether single or married, to strive to maintain healthy family relationships.*

*Westmont College believes the best place to navigate these issues of sexuality, including sexual identity, is in Christian community and that students are best supported if they are able to share their questions, struggles, or their self-understanding with trusted others, including those in Student Life and Residence Life. Concerns about sexuality may be difficult to disclose, but struggling in silence is a far greater challenge. In all such personal issues, Student Life and Residence Life staff members are committed to discretion, sensitivity, compassion, and redemptive actions. Additionally, confidential assistance is available through Westmont’s Counseling Services. **When a student approaches us and communicates that he or she is struggling with sexual purity or same-sex attraction or behavior, we aim to offer safety that promotes openness, to communicate personal acceptance, and to provide accountability and assistance to support students to live consistently with biblical teaching.***

*All members of the Westmont Community are expected to treat one another with respect, dignity and Christ-like compassion. Insults, slurs and other forms of derogatory, disrespectful or flippant speech have no place in a Christian community. The college is committed to protecting individuals from harassment and retaliation based on sexual orientation, gender identity and gender expression.*

16. Fuller also has multiple statements listed in its online student handbook when it comes to marriage and homosexuality.
17. In its statement on marriage and divorce, Fuller states “Christ teaches that God the Creator intended marriage to be an unconditional covenant between a woman and a man.”
18. Fuller also has a Community Standard: Sexual Standards policy which states, in part, “Fuller Theological Seminary believes that sexual union must be reserved for marriage, which is the covenant between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes that premarital, extramarital, and

homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community...to abstain from what it holds to be unbiblical sexual practices.”

19. Fuller also has a non-discrimination policy, which includes the following: “Fuller Theological Seminary does not unlawfully discriminate on the basis of sexual orientation. The seminary does lawfully discriminate on the basis of sexual conduct that violates the Community Standard Statement on Sexual Standards. The seminary believes that sexual union must be reserved for marriage, which is a covenant union between one man and one woman. The seminary believes premarital, extramarital, and homosexual forms of sexual conduct to be inconsistent with the teachings of scripture. Therefore, the seminary expects members of its community to abstain from what it holds to be unbiblical sexual practices.”
20. I chose Westmont and Fuller because in public school I faced significant bullying related (in part) to my visual impairment. I was a blind, fat, awkward, and socially isolated blind kid in a public school. I was the child of church leaders at the evangelical church that I grew up at and I had a voice and leadership in the youth ministry.
21. I was also deeply in denial about my sexuality at the time. I suppressed my sexuality for a long time, in part, because of the cultural narrative that treats disabled people as non-sexual beings.
22. I did not feel safe coming out. I did not feel safe existing. The cultural climate at Westmont and Fuller was harsh with homosexuality positioned as an "issue" and an enemy of the Church.
23. At Westmont, I did not fully gender conform. "Spring Sing" is a major event at Westmont where each residence hall puts on skits to parodied songs. I was given the part of a gay character who was to wear a muumuu and chase another student asking for a kiss.
24. The students were not laughing with me, they were laughing at me. The skit was basically framed as the gay monster, predator chasing the innocent straight student. I felt like a contemptible monstrosity. I internalized this for a long time.
25. Fuller was very "don't ask, don't tell" when I went there. The line for how far you could push being out was extremely murky which in a way felt great and, in a way, felt scarier since there was no predictability about it.
26. I participated in a class on New Testament Ethics in which the entire class was structured around intentionally polarized groups debating the "controversial case" of a lesbian couple asking to be members of a church. It was treated as if the lesbian couple situation was a threat. I did not feel safe either emotionally or physically in these conversations.
27. I had to drink before class to feel able to survive them emotionally (and I'm not and have never been even much of a social drinker).

28. At the time I attended these schools, I felt suicidal. The approach of both of these schools towards my sexual identity at the time was to encourage conversion therapy.
29. I became increasingly suicidal when considering whether or not I should come out at Fuller.
30. I still suffer from depression, anxiety, shame, and internalized homophobia as a result of attending these schools.
31. I know that there are, and always will be, LGBTQ+ students at Westmont and Fuller and that they will continue to suffer and have no protections unless policies are changed.
32. I am participating in this lawsuit because I am convinced that Christian colleges like Westmont and Fuller endanger LGBTQQI students, alumni, and staff. As a gay survivor of these institutions who has enough job security and privilege to fight back, I believe it is my duty to use everything in my being to resist the harmful practices of these institutions.
33. I am a federal taxpayer and do not feel that my taxes should be spent in furthering the discrimination against people like me by Fuller and Westmont.
34. 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 18<sup>th</sup> day of March, 2021.

By:



---

Darren McDonald



Homosexual behaviors, even in the context of a marriage, remain outside Union's community values. We seek to help students who face all types of sexual temptation, encouraging single students to live chaste, celibate lives, and encouraging married students to be faithful to their marriage and their spouse."

8. The policy goes on to address transgender students in a "Gender Identity" paragraph which states: "Union adheres to the biblical tenet that God created only two genders, that He fashioned each one of us and thus designated our gender/sex. Therefore, identifying oneself as a gender other than the gender assigned by God at birth is in opposition to the University's community values. Further, engaging in activities or making any efforts to distinguish or convert one's gender/sex to something other than the gender/sex to which you were biologically born and which was God-given (i.e. transvestites, transsexuals, transgenders, etc.) is prohibited."
9. The school dress code also commands that faculty, students, and staff must "dress in such a way that represents their legal gender".
10. I am a gay man.
11. During my time at Union, the school found out I was gay. I don't know how they found out I was gay. It could have been an ex-girlfriend, another gay student at the school, or someone in my fraternity.
12. I was taken into a dimly lit room where Union told me that I was going to hell and that the school was worried for my soul.
13. Union told me that I would be thrown out and all of my credits taken away if I did not attend sexual conversion therapy.
14. I was given vouchers for an Exodus International approved therapist.
15. I was also required to install software that would send the school my online history every week.
16. During my time in conversion therapy, I was sexually assaulted by my therapist. I reported this to the school.
17. Union University subjected me to severe psychological torture through their discipline.
18. The school's policies made me feel that I was subpar and subhuman in their eyes.
19. As a result of the school's actions, I was diagnosed with anxiety and panic disorder. I have been to urgent care multiple times for panic attacks, including as recently as August of 2020.
20. I am participating in this lawsuit because Union continues to discriminate against students and potential students based on who they love while accepting federal funds. I

want to have a part in rooting out the discrimination and psychological torture that is still going on in West Tennessee.

21. I am a federal income taxpayer in the United States. I am also repaying student loans from the U.S. Department of Education that I took out to enroll in Union.

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 28 day of March, 2021.

By:



---

Scott McSwain

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

Elizabeth HUNTER; et al., on behalf of	)	
themselves and all others similarly situated,	)	
	)	Civil Action No. 6:21-cv-00474-
Plaintiffs,	)	AA
v.	)	
	)	<b>DECLARATION OF FAITH</b>
U.S. DEPARTMENT OF EDUCATION and	)	<b>MILLENDER</b>
Suzanne GOLDBERG, in her official capacity as	)	
Acting Assistant Secretary for Civil Rights,	)	
U.S. Department of Education,	)	
	)	
Defendants.	)	

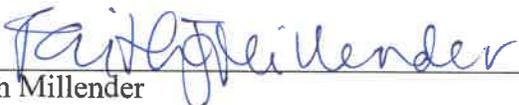
I, Faith Millender, declare:

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 currently a resident of St. David's, Pennsylvania, located in Delaware County.
3. I grew up in West Africa and moved back to the United States when I was 15.
4. My parents were Southern Baptist missionaries.
5. I have two siblings. All three of us are queer.
6. Beginning in August 2018, I became a student at Eastern University in Pennsylvania. I expect to graduate in May 2022.
7. Eastern University originated as a Southern Baptist institution but is now a non-denominational Christian liberal arts college.
8. I took out student loans from the U.S. Department of Education to enroll at Eastern University and I will be required to repay those loans. I am a federal income taxpayer in the United States.
9. I attended Eastern University because I was interested in attending a Christian school and I wanted to be in a nursing program. I loved Eastern University when I visited it and it fit all the criteria of the college I wanted to attend.
10. I was also attracted to the fact that Eastern was more liberal than some of the other colleges I was considering (Liberty University and William Carey University).
11. Eastern University has a limited mention of their sexual intimacy policy in their handbook. The policy states "as a Christian community, Eastern University expects a

sexual lifestyle that is consistent with our understanding of biblical teaching. For our community, inappropriate displays of affection are not acceptable and sexual intimacy is prohibited outside of marriage between one man and one woman.”

12. I was not aware of this policy at the time I enrolled at Eastern.
13. This policy undermines Eastern’s message to us that we are safe and welcome here.
14. It is very hard to feel loved while you are also being told that you are not able to love.
15. Additionally, our professors are bound by a clause that prohibits homosexual conduct and treats it as a terminable offense.
16. Two queer staff members quit their jobs at Eastern shortly after becoming engaged to each other. It is unknown whether they would be safe to be out about their relationship.
17. The uncertainty around Eastern’s policies on queer relationships and conduct (other than marriage) makes it risky for queer students, faculty and staff at Eastern to date or show affection.
18. I am a bisexual/queer woman.
19. I feel safe and supported by a significant amount of people on the campus.
20. My nursing program is more traditional than the other programs and I feel safe with my professors, but I do not feel supported in my identity or even seen as a queer individual.
21. Queer people are rarely discussed in my program. Faculty do not teach us how to provide LGBTQ+ specific healthcare. Students in our program are not taught how to specifically care for transgender and queer patients.
22. I have made my experience and identity known and have done a number of school projects on queer topics. These projects are met with varying responses, but usually shock and surprise.
23. There are members of the faculty and staff that I do not feel safe with because of their known homophobia.
24. I don’t know whether my nursing program would support me if I experienced discrimination from patients or other providers because of my sexuality.
25. There is an official LGBTIA+ club on Eastern University’s campus called Refuge. I am co-President of Refuge. It became a sanctioned club in 2017.
26. Refuge’s goal is twofold: (1) provide a safe space for queer students, and allies, to be seen and heard; (2) provide advocacy and education for the non-affirming constituencies on our campus.

27. Refuge has lived up to its name and purpose. It is good for our mental health, safety and sense of belonging on campus.
28. While Eastern provides a better environment for queer students than some other Christian colleges, I still feel frustrated and invalidated because of my school's policies on sexual orientation.
29. I feel like I am disregarded and that my sexuality makes me "less than" other students because of these policies. Other queer students and I are being told that we are supported and safe on campus, but Eastern University's policies result in discrimination, misgendering, and queer students on campus being labelled as morally wrong.
30. It is discouraging to be told over and over again that the emotions, perceptions, and realities we as queer students experience on campus are invalid and do not matter.
31. While I feel safe on campus, I, at the same time, choose to not come out to some professors or other people associated with the school because I have concerns whether I will feel safe and respected by them.
32. Queer members of the Eastern University community are not ever fully safe on campus, as evidenced by the interactions of some homophobic members of that community and a sexual intimacy policy which is vague and open to many interpretations.
33. 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 12<sup>th</sup> day of February, 2021.

By:   
Faith Millender

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF JAYCEN MARCUS</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendant	)	

I, Jaycen Marcus, 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 Portland, Oregon, located in Multnomah County.
3. I started attending George Fox University in Newberg, Oregon in August 2012. I left in March 2016 without graduating.
4. I chose George Fox University because I wanted to go to a small college with a more liberal arts focus.
5. George Fox has a “Lifestyle Statement” which states, “In regard to sexual morality, we believe that only marriage between a man and a woman is God's intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God's teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God's design for providing the most loving guidance and practice for individuals and our community.”
6. GFU’s student handbook states that “George Fox University accepts the biblical standards that prohibit all sexual immorality” and that “we believe the power of God and the wisdom of the Holy Spirit combine to provide the means to live victoriously with respect to sexual purity.”
7. I am a transgender man of open sexuality.
8. When I went to George Fox, coming out was not easy. I did find some support from students, teachers, and staff.

9. George Fox made me feel excluded and not seen for who I was.
10. I dealt with a lot of anxiety and depression as well as not feeling safe as one should be able to in their school.
11. While a student at GFU, I requested to move from female housing and to live with other men after my transition.
12. Living in a female dorm meant that each day, the first thoughts I had were about my struggles living in a body that never felt right to me.
13. Living in female housing while undergoing testosterone therapy was a particular challenge
14. George Fox initially denied my request to live with other men because I am a transgender man.
15. I filed a Title IX complaint with the U.S. Department of Education regarding this housing discrimination.
16. George Fox University requested a religious exemption from the U.S. Department of Education so that they could maintain their discriminatory housing policy while continuing to receive federal funding.
17. The U.S. Department of Education granted GFU's request for a religious exemption and closed my complaint file with the Department as a result of that exemption.
18. GFU currently maintains a policy on transgender students, which states, in part: "Given the varying circumstances of students identifying as transgender, addressing their particular needs will be evaluated on a case-by-case basis, prioritizing the well-being of the individual and community alike."
19. I am participating in this lawsuit because I feel that everyone deserves to have an experience that feels safe and supportive, including with their student housing.
20. I am a federal income taxpayer in the United States. I am also repaying student loans from the U.S. Department of Education that I took out to enroll in George Fox.

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 29 day of March, 2021.

By: s/Jaycen Marcus  
\_\_\_\_\_  
Jaycen Marcus

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF JOURNEY MUELLER</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Journey Mueller, 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 Longmont, Colorado, located in Boulder County.

3. Between August 2017 and April 2018, I was a student at Colorado Christian University in Lakewood, Colorado (hereinafter "CCU").

4. While attending CCU, I received Federal Financial Aid, including student loans and scholarships.

5. I am continuing to pay off the student loans for my education at CCU.

6. I attended CCU because of family ties and because CCU offered me a scholarship.

7. CCU's student handbook contains a lifestyle covenant outlining rules of behavior for students. This covenant requires students to commit to "mutual accountability" by reporting

other students to CCU's administration if their behavior is perceived to violate the covenant. This encourages a snitch culture that puts queer and transgender students at risk of harm.

8. The lifestyle covenant regulates romantic relationships and sexual conduct. Same-gender romantic relationships and signs of affection between same-sex couples are forbidden and may result in discipline.

9. The 2020-2021 Student Handbook defines the sexual misconduct forbidden by the covenant broadly as "any consensual sexual behavior that occurs outside of the covenant of marriage. This includes sexual intercourse, cohabitation, public displays of affection, intimate contact, consensual sexual touching, **behavior that exhibits a same-sex romantic relationship**, pornography, and actions (for example spending the night with someone of the opposite sex) that may lead to situations of temptation, regret, and immoral conduct."

10. The 2020-2021 Student Handbook goes on to state the following about same-sex romantic relationships:

God created human beings to show forth God's image as male and female in relationship (Gen 1:26-28), and the biblical ideal is the expression of sexuality within a heterosexual, lifelong, monogamous union (Mk 10:4- 12). However, God's ideal for human sexuality, as with every aspect of humanity, has been interrupted by humanity's rebellion and God's judgment. As a result, some human beings experience confusion regarding their gender identity and/or sexual orientation. When students at CCU find themselves with questions regarding their gender identity, or sexual orientation, they are encouraged to come forward and take advantage of the University's Counseling Center services and pastoral resources to help guide and direct them through their struggle. At times it may be necessary to remove a student from specific involvement such as athletic team

participation, leadership positions, or other University activities either temporarily or permanently. The University will allow students to continue their enrollment at the University as long as they can remain celibate, and as they undergo counseling and mentoring. All students who are not married are required to remain celibate, whether they are same-sex attracted or opposite-sex attracted. It is the University's desire to walk with the student through their struggle with their sexual orientation. **If a student does engage in a same-sex relationship, violates the policy on same-sex behavior, or exhibits same-sex intimate relationship behavior anytime during the mentoring, he or she will be disciplined within the terms of the sexual conduct/activity policy.**

11. I am a lesbian woman.

12. During my time as a student, my roommates suspected I was attracted to women.

They locked me in my dorm room, blocked the door and wouldn't let me leave until I confessed.

13. My roommates then outed me to administration in accordance with CCU's policy of reporting other students for lifestyle covenant violations.

14. My roommate's outing of my sexual orientation triggered a series of disciplinary actions against me by CCU. My discipline included mandated conversion therapy, mandated mentorship, and academic probation.

15. My counselor told me that the goal of my counselling was for me to become heterosexual.

16. CCU removed me from my housing.

17. CCU placed me in an isolated dorm where I had to live alone because CCU did not want me to live with other women.

18. As a student at CCU, I was required to attend “ex-gay” chapels where same-gender relationships were demonized and abstinence was touted as an alternative to homosexuality.

19. CCU blocked access to LGBTQ+ resources on its campus Wi-Fi, making it difficult for me to find affirming help.

20. As a result of CCU’s actions, I am now living with clinically diagnosed PTSD and other mental health issues.

21. Because of the abusive environment at CCU, I suffered documented mental health crises involving self-harm and suicide attempts.

22. To stay alive, I had to leave CCU. I left shortly before the end of my first year.

23. Due to CCU’s conduct, my relationship with my family has been significantly and negatively impacted, including periods of housing instability.

24. CCU stole my coming out from me. Instead of me coming out to my family when I was ready and in my own way, they forced me to come out to my family and to do so under humiliating and painful circumstances.

25. I barely survived this experience.

26. I am not the only student that CCU has treated like this. Others have told me that they have experienced the same or similar treatment from CCU because they are queer or trans.

27. There are other queer students at CCU right now. I have been told by one of them that they are terrified to say or do anything that might expose their sexuality.

28. After I left CCU, I requested my student records so that I could consider pursuing legal recourse. CCU failed to give me my student records. I felt powerless at this point and my mental health further deteriorated.

29. Additionally, I did not try to further assert my right to be free from discrimination because CCU is a religiously affiliated university and I did not think I would have been protected.

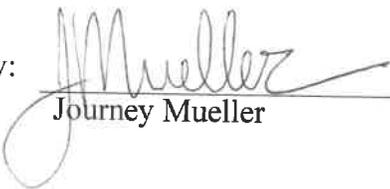
30. In fact, CCU requested and received a religious exemption from Title IX by the Department of Education that allowed them to do what they did to me without any consequence or accountability.

31. I still live near the CCU campus and experience anxiety when I think about what they did to me.

32. I am and have been a federal taxpayer and I don't think my taxes should be funding the discrimination against me.

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 22nd day of January, 2021.

By:

  
Journey Mueller

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	Civil Action No. 6:21-cv-00474- AA
Plaintiffs,	)	
v.	)	<b>DECLARATION OF JP</b>
	)	
U.S. DEPARTMENT OF EDUCATION and	)	
Suzanne GOLDBERG, in her official capacity as	)	
Acting Assistant Secretary for Civil Rights,	)	
U.S. Department of Education,	)	
	)	
Defendants.	)	

I, JP, 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 Waco, Texas, located in McClennan County.
3. I grew up in the Los Angeles area in California. I went to a private Christian high school with a very similar environment to Baylor.
4. I began attending Baylor University in Waco, Texas in August 2017. I'm a pre-med student. I expect to graduate in May 2021 with a degree in Biology and Biochemistry.
5. I receive merit based financial aid to attend Baylor.
6. I am Vice President of Gamma Alpha Upsilon, which when written in the Greek alphabet appears as "GAY." Gamma is the only "official," unofficial LGBTQ+ support group for Baylor students.
7. I became involved in Gamma during my first semester of Freshman year. I originally joined as an ally and Gamma gave me the space to figure out my sexual identity.
8. Baylor has multiple statements listed in its website when it comes to marriage and homosexuality.
9. The school has an official policy on sexual conduct. This policy states "Baylor will be guided by the biblical understanding that human sexuality is a gift from God and that physical sexual intimacy is to be expressed in the context of marital fidelity. Thus, it is expected that Baylor students, faculty, and staff will engage in behaviors consistent with this understanding of human sexuality."

10. Baylor's official Statement on Human Sexuality states "Baylor University welcomes all students into a safe and supportive environment in which to discuss and learn about a variety of issues, including those of human sexuality. The University affirms the biblical understanding of sexuality as a gift from God. Christian churches across the ages and around the world have affirmed purity in singleness and fidelity in marriage between a man and a woman as the biblical norm. Temptations to deviate from this norm include both heterosexual sex outside of marriage and homosexual behavior. It is this expected that Baylor students will not participate in advocacy groups which promote understandings of sexuality that are contrary to biblical teaching."
11. This statement makes me feel like my identity is a sinful temptation. It feels like Baylor thinks that something is inherently wrong with my sexual identity.
12. Baylor's statements say that they support queer students but they directly contradict these statements by saying that queer identities are invalid and by denying us access to queer support groups.
13. Baylor's official statement on Human Sexuality then directs students "struggling" with these issues to go to some form of counselling at one of the on-campus counselling centers.
14. This feels like Baylor is suggesting conversion therapy by another name.
15. Baylor University also has a statement of "Commitment to Diversity and Inclusion" which states "we seek to embody Christ's teachings of love and inclusivity across boundaries of racial, ethnic, gender, social-economic, religious, and other expressions of human difference. Because, at Baylor, 'Love thy neighbor' is not just words...they are a way of life."
16. Baylor does not put these words into practice. Baylor is designed to support white, heteronormative Christian men and takes little to no action to practice the Baylor Way towards other students.
17. This "way of life" seems to be a value of the school, except when it is not, such as when Baylor expressly allows for discrimination, as stated in Baylor's Civil Rights policy, "As a religiously controlled institution of higher education, Baylor is exempt from compliance with select provisions of certain civil rights laws, and Baylor is also exempt from prohibitions of discrimination based on religion. As such, the University prescribes standards of personal conduct which are consistent with its religious mission and values".
18. This policy makes me feel unsafe and unprotected by the law.
19. Baylor is unlikely to discipline queer students merely for being queer. However, Baylor's policy forbidding "homosexual behavior" and its other statements condemning queer identities and relationships, makes me feel like I could never show affection to a queer partner and that I would be at risk of discipline and ridicule if I were to hold their hand or give them a kiss in public.

20. I am a queer man.
21. I chose Baylor because it has an excellent pre-med program. I originally did not want to go to Baylor because of its conservative reputation. However, Baylor ended up being the best school that I got into and that I could afford.
22. I was not aware of Baylor's disposition towards the LGBTQ+ community when enrolling as I did not discover my sexuality until between my Freshman and Sophomore years.
23. Baylor claims to love its LGBTQ+ students, yet they refuse to grant us access to any form of student support system. They treat our existence as if there is something inherently wrong with us.
24. While I have not been subjected to conversion therapy or other therapy or assaulted, the school's opinion towards its LGBTQ+ students cause me a great deal of anxiety.
25. I fear that I will not be able to be fully out without it affecting my career in medicine. I worry that I will not be able to get into medical school because I am not straight. My professors are not as affirming of queer identities as other departments on campus and I fear how Baylor treats its non-straight students will negatively affect my career.
26. Baylor has allowed a student group to promote hostile, homophobic messages and defended that group's right to spread those messages, while at the same time, forbidding LGBTQ+ students from having a support group or sanctioned club.
27. Gamma, or an earlier version of Gamma, has applied for a charter every semester and been denied its charter every time.
28. This year, Gamma has more support for its charter than it ever has had in its history.
29. For the first time ever, Gamma's charter has the official support of: (1) Baylor Student Senate; (2) Baylor Faculty Senate; (3) Baylor NAACP; (4) Baylor Asian Student Coalition; (5) Baylor Latinx Coalition; (6) Baylor Black Student Coalition; (7) Texas Rising; (8) College Democrats; (9) several pan-Hellenic sororities and fraternities (\*informally supported); (9) nearly all multicultural sororities and fraternities.
30. I am participating in this lawsuit because Baylor has made their LGBTQ+ students feel like they are less than and undesirable. I am tired of seeing my friends hurt by the way their school treats them. I want to help change the way our universities treat their LGBTQ+ students.

- 
32. 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 27th day of February, 2021.

By: JP  
JP



9. In another section, the handbook states, "Outside of heterosexual marriage, interpersonal sexual activity in all its forms is sin according to God's word. Any student involved in sexually immoral behavior, including premarital sex, adultery, and homosexual acts is at minimum placed on University Probation and may be subject to a Judiciary Hearing." (Emphasis in original.)
10. The handbook states that students accept these terms by signing their application for admission.
11. I am a pansexual woman.
12. I originally attended Grace University after my mother had me try out for their volleyball team. I made the team and was offered a significant financial aid package. The package offered was based on my high school academic record, financial need, and being African-American. My sister also lived in Omaha with my niece and nephew, and I wanted to be close to family.
13. Initially, when I enrolled in Grace University, my sexual orientation was not an issue. I identified as heterosexual, dated men, and was not exposed to other forms of sexual identity and gender expression.
14. In my senior year, I began to question my sexual orientation because I started to have feelings for my best friend, who was a woman.
15. I did not know in detail the consequences of coming out at that time. I did know that the culture of Grace University did not accept homosexuality. I did not even know closeted LGBTQ+ students who attended Grace University then. I knew my coming out would not be accepted.
16. Grace University's code of conduct addressed homosexual acts alongside violations such as premarital sex. After my expulsion, Grace University adjusted its honor code to forbid all same-sex relationships and dating.
17. This language change made me feel relieved and vindicated as I realized other students would not face the same problem I did when it came to misleading language in the code of conduct. Grace university would no longer be able to trick students into attending Grace University and spending money with them through deceitful and coded language in the code of conduct.
18. As a result of coming out, I was separated from my peers and my students in my housing community with less than 24 hours' notice. During the judiciary board process, I was

questioned about my faith and shamed in front of faculty and other students. I was not allowed to spend time alone with my girlfriend.

19. After my expulsion from Grace University, the school demanded that I repay over \$6,000 and refused to release my transcripts until I did. This money was paid in institutional scholarship funds on my behalf. Ultimately, grace University and I came to an agreement when a representative from Grace stated on a radio show that they would not hold my transcripts. This representative also said that there would be no other repercussions if I did not pay these funds back.
20. As a student, I would not have attended Grace University without student loans. I believe that schools should not be able to collect financial aid this way and then discriminate against students because of their sexual orientation and gender identity. Schools should not be able to take government funds and then infringe on their students' civil rights and freedoms.
21. I am participating in this lawsuit to be sure that no student's education is compromised in the way mine was.
22. I have lost so much due to Grace University's actions. I lost respect, equal treatment, vocational opportunities, financial earnings, anonymity, etc. I do not want other students to have to face these same losses.
23. I am a taxpayer and do not feel that my taxes should be spent in furthering the discrimination against me by Grace University.
24. 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 \_\_\_\_ day of February, 2021.

By:

A handwritten signature in cursive script that reads "Danielle Powell". The signature is written in black ink and is positioned above a horizontal line.

Danielle Powell

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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF MEGAN STEFFEN</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Megan Steffen, 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 Chicago, Illinois in Cook County.
3. I was born in Bay City, Michigan.
4. I grew up in a conservative, Christian household and attended a non-denominational church.
5. I am 23 years old.
6. I began attending Moody Bible Institute (“MBI” or “Moody”) in Chicago, Illinois in August 2015.
7. MBI’s campus is in the heart of the city of Chicago.
8. I decided to attend MBI for several reasons, many of which had to do with my mental health. I was diagnosed with clinical anxiety and depression in 2014-2015, which I had been dealing with since adolescence. I was self-medicating with alcohol during this time.
9. I picked MBI because of its strict no-alcohol policy, faith-based campus, and the fact that my sister was attending MBI.
10. The strict no-alcohol policy was important to me so that I could maintain my sobriety. It limited my exposure to alcohol and limited my chance of relapse.
11. My family and I also felt that it was important to go to a Christian college as Christianity was offered as a solution to my mental health struggles. The idea of being on a Christian campus was appealing to me at the time, as I was in a vulnerable position.
12. Additionally, since my sister already attended the school, there was some security there for me and my family knowing that someone could help me if any issues or emergencies arose.

13. MBI is a taxpayer-funded religious college.
14. MBI maintains a statement on human sexuality in its student handbook. It states: “[W]e conclude that non-marital sex, homosexual sex, same-sex romantic relationships, and transgender expressions are deviations from God’s standard, misrepresenting the nature of God Himself.”
15. The statement goes on to say that “non-marital sexual intimacy, homosexual sexual intimacy and same sex relationships, and gender identification that is incongruent with one’s birth sex are all violations of biblical teaching from which Moody derives its community standards.”
16. I did not consider MBI’s stance towards LGBTQ+ students at the time I decided to attend as I was not out, even to myself, yet.
17. My early years at MBI were a positive experience for me. It felt safe and like home.
18. I lived on campus in the dorms for three years.
19. However, two years after starting at MBI, I began to come out as lesbian to close friends and family.
20. A majority of the reactions I received from my peers at MBI were negative.
21. When I posted pro-LGBTQIA+ content on social media, I began hearing that students were reacting negatively to my sexual identity. I also had students begin asking me to defend my sexuality and telling me that they thought my identity was wrong and sinful.
22. I ended up on the radar of the school’s administration in Spring of 2018. MBI’s initial concern was that I attended the Women’s March, which was not an approved event by MBI administration.
23. I was required to meet with a member of MBI administration often. I realize now that the purpose of these meetings was to enable the school to monitor me.
24. On some occasions, other MBI students would turn me into the administration for my LGBTQ+ related postings.
25. I had a total of approximately ten meetings with one particular MBI administrator. They often expressed concerns about my online posts, my relationship status, and other problems the administration had with my sexual identity.
26. I received anonymous hate mail during this time telling me that I should be ashamed of myself for coming out as lesbian.
27. I found myself in an environment that actively hated me and wanted me gone.
28. I felt like I was in survival mode every day.
29. Attending MBI, which had felt safe and supportive before I came out, had become a place of fear that had turned against me.
30. The same people who supported me in my mental health journey, turned their back on me after I came out and said hurtful things to me that harmed my mental health.
31. I felt isolated and alone.

32. While all of this was happening at MBI, the head pastor and associate pastor of my church sat me down and told me that I was wrong for who I was and for exploring my sexuality.
33. It felt like God telling me there was something wrong with me.
34. In fall of 2019, I received an official warning from MBI's Dean of Student Life about a social media post where I said I was a lesbian.
35. I had been turned in this time by a faculty member.
36. Exhibit A is a copy of that official warning letter from MBI.
37. In the letter, the Dean informed me that I was "being placed on Warning Status through the remainder of the semester" and that my behavior was "dangerously close to the probationary level."
38. The letter also stated that my Warning Status was MBI's "way of indicating to you our disapproval of your actions and giving you fair warning that further unwise behavior on your part will result in you being subject to more stringent disciplinary measures."
39. The Dean went on to say "Megan, during this period of time I will expect that you appropriately align yourself with the policies governing student life and am hopeful that there will be no more need for disciplinary measures."
40. Because of this warning, I agreed to remove the post where I described myself as a lesbian and to no longer make social media posts about my sexuality or LGBTQ+ issues.
41. At this point, my anxiety came back in force. I did not want to get out of bed. I was scared of running into an administrator on my way to class.
42. I followed my agreement with MBI to no longer post about my sexuality or LGBTQ+ issues until the spring of 2020, when I had finished all my classes and was awaiting graduation. At that time, I posted about an LGBTQ+ event I attended in New York.
43. MBI saw this post and threatened to prevent me from graduating because of it, even though I had finished all my course work and was no longer living on campus.
44. According to MBI, several professors expressed concern about my being allowed to graduate and approached the school's administration. The concern was that they did not want MBI's reputation tainted by having a known lesbian graduate.
45. The result from this was that, less than a week before graduation, I had to defend why I deserved to get a diploma.
46. Two MBI administrators grilled me about my relationship status, sexual history and asked whether I would date women after graduation.
47. The process was humiliating.
48. It was clear during this meeting that I would not get my diploma unless the answers I gave to their questions aligned with MBI's policies about sexuality and marriage. Because I had been placed in an impossible situation and my hard earned degree was on the line, I told MBI that I agreed with their non-affirming policies and planned to live according to them. As a result, MBI allowed me to receive my diploma.

49. It was as if MBI put on one final show of shaming to satisfy the people at MBI who wished I had never been there.
50. I graduated in May 2020 with a B.A. in Human Services through the counselling program.
51. However, I was so traumatized from this experience, that for several months after graduation, I was scared to do anything that would upset Moody.
52. I cannot imagine ever finding myself in as abusive and manipulative of an environment as I did at Moody.
53. I felt so unsafe, unsupported, and unprotected by my peers, MBI staff, and administration. MBI's policies on sexuality, dating and marriage contributed to this sense of fear and vulnerability.
54. I literally had nowhere on campus to turn to for help with the harassment and discrimination I was experiencing.
55. The majority of my peers and staff on MBI's campus regularly participated in and perpetuated ideas of queerphobia. I would have to face this queerphobia in classes, in casual conversations, and in direct comments.
56. During the time that I was out on MBI's campus, my depression and anxiety became very severe. I had regular appointments with a therapist and psychiatrist during this time so that I could cope and heal from the homophobia I dealt with on a daily basis. I experienced panic attacks, inability to get out of bed, insomnia, and suicidal thoughts. I graduated a year later than planned because I had to withdraw from some classes for mental health reasons.
57. I was not forced to participate in conversion therapy, but during my meetings with MBI administration it was strongly encouraged that I meet with Christian leaders to work through my sexual identity issues. This would essentially be a "softer" form of conversion therapy.
58. Other queer students at MBI have been turned in by other students after disclosing their sexuality. Some of these students have been forced into counselling or required to meet with a professor.
59. I am participating in this lawsuit for two reasons. One is that I want justice for myself and for other LGBTQIA+ students who have been harmed by government-funded religious schools. The other reason is that I want to prevent further harm to LGBTQIA+ students on these campuses.
60. I am a federal income taxpayer in the United States. I received grants from the U.S. Department of Education to attend Moody Bible Institute.
61. 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 24th day of March, 2021.

By:   
Megan Steffen (Mar 24, 2021 19:17 CDT)

---

Megan Steffen

Megan Steffen

# Megan Steffen Declaration

Final Audit Report

2021-03-25

Created:	2021-03-24
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	[REDACTED]





*Human beings are created in the image of God, male and female, and are of inestimable worth. Because we are created in God's image, people must be treated with respect and dignity by all institutions in society whether male or female, young or old, rich or poor, believer or unbeliever, homosexual or heterosexual. This priceless value constitutes the theological and anthropological foundation of our discussions regarding human sexuality. We, therefore, affirm the fundamental worth of all human persons, including those with whom we disagree.*

***Human beings are created in the image of God, male and female. The explicit relational dimension of human beings and the inherent differentiation of gender are foundational to our understanding of creation itself. Our discussions and considerations of human sexuality, therefore, take place within the context of these assumptions. Human sexuality is both a relational truth and it is gender differentiated.***

*Human sexuality is intended by God to include more than the contemporary cultural emphasis upon physical, sexual experience. Our sexuality is intended by God to reflect the whole of our sensual and relational createdness. We, therefore, renounce the equation of sexuality with genital sex alone and the false representation of sexuality found in pornography. We believe that such an emphasis results in the dehumanization of all people, especially women and children.*

*We recognize the need to affirm the Christian virtues of holiness and godliness in this very significant dimension of being human. We assert that holiness and godliness as they relate to human sexuality require more than the avoidance of evil. These dimensions of spirit-filled character involve the positive celebration of who we are as created beings. Therefore, we are to interact with one another with great responsibility, respect, and with unselfish love.*

*The delight we experience through our sexual experience requires of us a sense of stewardship, a trust that extends not only to ourselves but also to others. Therefore, we remind ourselves, as well as those beyond our community, of the responsibility not to engage in the sexual exploitation or the sexual harassment of others. This stewardship is particularly important in the human institutions of church, work, friendship, marriage, and family.*

***In particular, we affirm the institutions of marriage and family as central to the purposes of God. We believe it is in the context of the covenant of marriage between a man and a woman that the full expression of sexuality is to be experienced and celebrated and that such a commitment is part of God's plan for human flourishing. Within the teaching of our religious tradition, we affirm that sexual experience is intended between a man and a woman.***

*We believe this is the ancient and historic teaching of Christian scriptures and tradition, including the teaching of Seattle Pacific's founding denomination, the Free Methodist Church. We believe this continues to be the teaching of the Christian Church around the world and remains the guiding light for our practice. We are also aware that this teaching is found in most other religious traditions as well. **While we affirm the institution of marriage, we also recognize and affirm the call of some to singleness and celibacy.***

*Because the issues surrounding human sexuality are controversial, as a community of learning we recognize that our discussions and considerations regarding sexuality, whether in writing or in the classroom, must be treated with personal and spiritual sensitivity and with scholarly care. Therefore, we agree to evaluate our teaching and our pronouncements regarding sexuality in the light of the historic understanding of the Christian Church and the authority of the biblical witness. In this spirit we agree to submit our teachings and pronouncements to one another as followers of Christ.*

*Finally, recognizing the sinfulness and fallenness of our human nature, we acknowledge our need for God's grace and mercy in our actions, discussions, and considerations of human sexuality. We seek God's grace that we might rise above our human weaknesses and God's mercy that we might*

*live in unity with one another in the midst of our brokenness and in response to the call of God upon our lives to love one another and thus fulfill the law of Christ.*

9. Because of SPU's policies and campus climate, I felt very afraid to come out as transgender on campus. I found comfort in trusted friends and faculty but it was difficult navigating who I could trust.
10. I felt like I was always doing something wrong being who I was. SPU's "grace" had edges.
11. I've had students call me slurs on campus. I've been kicked out of the men's bathroom in halls on my university campus.
12. I decided to publicly come out as transgender at SPU in 2019.
13. During this time, a teacher publicly humiliated me in front of my peers regarding my name and sex. In response to his questioning, I told him that I was transgender and had changed my name. She laughed at me and said "I'm not going to call you that." She did this in front of the entire class.
14. The most egregious action was that taken by the theater department in 2019. For a theater production, I auditioned for, and was cast to play, a male character. This was important to me because I wanted to play a character on-stage whose gender was consistent with my gender off-stage.
15. However, the head of the theater department called me to a meeting. There were a few students present at this meeting but I did not know what the meeting was about.
16. The professor handed me a document that was for 'my and the departments protection.'
17. The document explained that I knew I was knowingly breaking lifestyle expectations at SPU and that I was aware of a list of consequences that could be taken against me should the head of lifestyle expectations find out, including loss of scholarships, inability to graduate on time, and the potential to be kicked out of the University altogether.
18. I did not agree with these things but, at the time, I felt I had no other option. So, I signed the agreement.
19. After graduation, I had a difficult time processing this and would look to my friends for strength and clarification.
20. Thinking back on the situation, I was so emotionally devastated that I had trouble sleeping for months.
21. I eventually complained to SPU regarding this situation, and followed up with SPU on multiple occasions, but SPU failed to take action.

22. Transgender students like me remain vulnerable to harassment and discrimination at SPU.
23. I continue to suffer from anxiety, depression, and insomnia resulting from the campus climate at SPU and discriminatory actions taken against me.
24. I am a federal income taxpayer in the United States. I am also repaying student loans from the U.S. Department of Education that I took out to enroll in Seattle Pacific University
25. 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 \_\_\_\_ day of March, 2021.

By:  \_\_\_\_\_  
Spencer Vigil (Mar 26, 2021 10:33 PDT)

Spencer Vigil

# Spencer Vigil Declaration v2

Final Audit Report

2021-03-26

Created:	2021-03-26
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	[REDACTED]



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

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF LUCAS WILSON</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Lucas Wilson, 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 Toronto, Ontario, Canada.
3. Beginning in August 2008, I became a student at Liberty University in Lynchburg, VA. I graduated in May 2012.
4. I chose Liberty University for two reasons. One was that it was an evangelical university, and I wanted to get an evangelical education. The other reason was because they had a gay conversion therapy program and I desperately wanted to be straight.
5. Liberty maintains a “Statement on Sexuality and Relationships” in the Student Honor Code, which is called “The Liberty Way.”
6. The Statement on Sexuality and Relationships states: “Sexual relations outside of a biblically ordained marriage between a natural-born man and a natural-born woman are not permissible at Liberty University. In personal relationships, students are encouraged to know and abide by common-sense guidelines to avoid the appearance of impropriety. Activities inconsistent with these standards and guidelines are violations of the Student Honor Code.”
7. I am a gay man.
8. It would have never crossed my mind to come out as gay at Liberty. I was taught to hate homosexuality. As a result, I was conditioned and taught to think that homosexuality was wrong. I fought against my own queerness. Even if I was comfortable as a gay man and even if I accepted myself, I would never have come out because of how homophobic the campus is.

9. Moreover, I feared that Liberty would punish me as a gay man.
10. Liberty continues to treat queer students poorly, actively discriminates against them, and attempts to change their orientations.
11. I remain in contact other alumni and current students at Liberty who are part of the LGBTQIA+ community. Many such students continue to face such immense hatred on a daily basis and must live in queer subterfuge.
12. While at Liberty, I chose to go to conversion therapy. My main form of therapy involved numerous individual meetings with a Liberty administrator over the course of all four years of my time at Liberty. Repression, deep-seated shame, self-hatred: these were the enduring fruits of my meetings. At the time, I didn't understand that you can't fix what isn't broken.
13. It pains me that conversion therapy remains an available option at Liberty and that it is encouraged by the administration.
14. I also attended one group conversion therapy meeting while at Liberty. While I was there, the conversion therapy group, formerly called "Masquerade," was dubbed "Band of Brothers." It is now called "Armor Bearers." The group meeting, led by Pastor Dane at the time, was held in a location on campus that was not disclosed to anyone but the group members in order to ensure secrecy.
15. Liberty's *Pathways Handbook*, from its Office of Community Life, last updated July 2020, describes Armor Bearers as follows: "This is a group that helps male students who are struggling with same-sex attraction and sexual addiction. The basis of the group is to grow as men of God. Growing as men of God takes the focus off of fixing oneself and instead allows them to grow closer to the Lord. You and your Associate Director will decide on a determined amount of meetings that you need to attend."  
<https://www.liberty.edu/students/community-life/wp-content/uploads/sites/90/2020/08/Pathways-Handbook.pdf>
16. The *Pathways Handbook* goes on to say that "The Office of Community Life at Liberty University (LU) is changing the narrative for students by working with them when they accept responsibility for violating policy. Too often students view sanctions as pre-determined punishments for violating policy. Recognizing this, students who accept responsibility will be provided a 'menu' of educational opportunities to choose from that will allow them to participate in developing their own learning experience. The educational opportunities have been grouped into specific categories called Pathways."
17. Essentially, conversion therapy is part of the "menu" of educational opportunities available for same-sex attracted students "who accept responsibility" for what their homosexuality or homosexual behaviors. This "opportunity" is provided by Liberty as an alternative to disciplinary action.

18. I was very anxious when I was on campus that people would know that I am gay, so I constantly monitored how I presented myself. The school caused me a profound sense of shame, which led me to hate who I was for a very long time.
19. In addition to lasting psychological damage from Liberty, I continue to worry that potential employers will see Liberty University on my resume and not hire me, in part due to the school's homophobic views.
20. Queer students should be protected from the discrimination that I experienced at Liberty. No university that offers conversion therapy or treats LGBTQIA+ students the way Liberty University does should receive government funding.
21. I have been a federal income taxpayer in the United States.
22. 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 \_\_\_\_ day of March 2021.

By:

*Lucas Wilson*

Lucas Wilson (Mar 26, 2021 12:17 EDT)

Lucas Wilson

# Lucas Wilson Declaration

Final Audit Report

2021-03-26

Created:	2021-03-25
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	[REDACTED]





wisdom of the Holy Spirit combine to provide the means to live victoriously with respect to sexual purity.”

9. There are no explicit prohibitions on same-sex dating or displays of affection but it is unclear what counts as “sexual immorality” and same-sex relationships of any kind, dating, marriage or otherwise, are never affirmed by the university. The vague policy pronouncements make it difficult for LGBTQ+ student to navigate their relationships and make it unpredictable as to how any particular administrator, professor or student will, or will be expected, to respond.
10. I am bisexual and non-binary. My pronouns are she/they.
11. I did not start questioning my sexuality or gender identity until I was already at George Fox.
12. It was not until my Sophomore year, that I really started to embrace my sexual identity.
13. My coming out was prompted by the coming out of another gay student on campus. He came out to the entire student body during a lip sync performance for our annual talent show. His performance, and the student body’s reaction, was electric and joyous.
14. Campus felt safe for me, more than it ever had before. I felt known. I felt accepted. I felt at peace with all the different parts of myself.
15. I came out of the closet as bisexual because of this student’s bravery and the student body’s welcoming embrace of him as a gay man.
16. A social movement erupted on campus because of this event and a subcommittee of student government was formed to address LGBTQ+ issues.
17. The president of student government issued a campus-wide statement supporting and affirming LGBTQ+ students. This was the first affirming statement I heard from the George Fox community. It felt so validating.
18. However, the George Fox administration soon issued its own response. President Robin Baker, the president of George Fox, responded to this outpouring of support for the gay student by reminding the entire campus community of the university’s stance on marriage and sexuality, which prohibits same-sex marriage and all sexual conduct outside of heterosexual marriage.
19. I expected this kind of a response from the university but other LGBTQ+ students were more surprised and really hurt by it. It felt like a slap in the face.
20. Town halls and other meetings were held on campus. LGBTQ+ students expressed how they felt unsafe going to campus counselling services or talking with their RAs about their sexuality or gender identity, as well as other fears.

21. Several LGBTQ+ students, myself included, were asked to speak to George Fox leaders, most of whom we had never seen or met before.
22. During one of these meetings, the head of the theology department asked me: “If you knew that George Fox’s policies on marriage and sexuality were never going to change, would you still have enrolled here?” This was a scary question to be asked and it was unclear what the purpose of that question was.
23. At another meeting, a transgender student was asked to defend his use of masculine pronouns.
24. George Fox then had straight students go through the same meetings and explain why they defended the school’s current policies. This was hard to listen to after having just made ourselves vulnerable while pleading for our identities to be respected.
25. None of us went to class the next day. We were emotionally drained.
26. Having supportive faculty members helps us feel less alone on campus. And there are many supportive professors at George Fox. However, my affirming professors are worried that they will be fired for supporting LGBTQ+ students, so they cannot fully support us.
27. Unfortunately, the health and counselling center is a not a safe space for us. LGBTQ+ students and identities are controversial topics on campus. People are scared of interacting with us, even at the counselling center, because they are also subject to George Fox’s policies.
28. The school’s policies affect me and my brain. They affect my development and my family. They also prevent me from getting the mental health and mentoring support that I need.
29. We need George Fox to acknowledge our existence, affirm our identities and stop policing our relationships and bodies.
30. There is nothing in the health and counselling center that says we won’t be discriminated against for our sexuality or gender identity.
31. There are not enough LGBTQ+ students out on campus. They are here but it doesn’t feel safe for them to come out.
32. For example, some students ask to be moved out of their dorms if they are rooming with an LGBTQ+ person. It hurts to know that you can be seen as someone who is dangerous.
33. As another example, LGBTQ+ students who are RAs are put in impossible situations. When you are an RA on campus, you open yourself up to be in leadership over students with all kinds of beliefs and viewpoints. However, if your identity is considered divisive, you have to be quiet, or, if you make it known, you open yourself up to being criticized

and rejected. As a specific example, a lesbian RA had one of the students leave her dorm because she didn't want to be in a dorm with a lesbian.

34. I do not feel safe on campus. My needs and the needs of my fellow queer classmates are constantly being ignored and minimized.
35. I have been part of numerous task forces, subcommittee meetings, town halls and round table discussions specifically to communicate with the school administration about the ways our campus is unsafe for queer students. They have failed us every, single, time.
36. When we are given opportunities to share grievances, it always feels like they are attempting to quiet student concern with tokenism.
37. The school's policies and approach to LGBTQ+ students make me feel marginalized, pushed aside, and erased. It affects my college experience on every level. It affects my performance in the classroom, where professors teach that straight marriage is the foundation of God's social order. It affects my experience with potential mentors in my department, where professors preach that queer identities are fundamentally at odds with the Christian faith. It affects my experience in chapel, where I am alienated from worship spaces. It affects my experience with my peers, who are allowed to treat me as an outsider.
38. Marginalization is both a condition and a process that prevents flourishing. I am prevented from enjoying things that my cishet fellow students are allowed to participate in. The psychosocial effects of marginalization are impossible for my queer students and I to escape.
39. We are not allowed to exist without being politicized.
40. I have experienced depression and anxiety as a direct result of the homophobic culture at George Fox.
41. When I got to campus, I was looking for people like me. The first group of LGBTQ+ people I met was not safe. This is fairly common because we were hurt and rejected by our families. When you put broken people together, that sometimes ends poorly.
42. Freshman year I was stalked by a student who followed me everywhere and sent me hundreds of text messages.
43. The stalking eventually led to a sexual assault. This made me feel ostracized by the LGBTQ+ community that I found, because they were part of this community. Reporting or talking about the assault, would out my sexuality to the university, which would put me at risk with the school.
44. I decided to report the stalking and assault to my resident advisor. My resident advisor informed the Area Coordinator. The Area Coordinator was supposed to file a Title IX complaint but they never filed a complaint.

45. I asked my RA to keep my sexuality confidential so that I wouldn't lose friends or get in trouble with the school. My RA did not know how to handle my sexuality or how to care for me.
46. Because George Fox did nothing to help me, I had to figure out how to handle this as an 18 year-old-freshman, who was unfamiliar with sex and dating, all on my own. I did not know what to do.
47. I told the women who assaulted me that she couldn't speak to me alone anymore and that we could be pleasant to each other socially but we couldn't be friends.
48. I had to live close to this person and go to class with this person for the rest of the year. The assault and lack of protection affects me to this day.
49. Because I had no support from the outside, it would not have been good for me to tell people this woman had assaulted me, because I would have been demonized by all sides.
50. I was raised in purity culture. I was not taught about consent. We are not taught how to pursue someone you want to be with. This is even harder when you are queer because we don't have models or examples of how to date or approach sex. It is harder still when your campus environment demonizes sex and queerness. We are not taught consent because we are taught not to have sex and especially not queer sex.
51. Eventually, during my Sophomore year, I found a different, supportive and safe group of queer students. We help each other feel less alone.
52. I want George Fox's policies to change so that I won't be at risk of discipline for my identity or relationships and so I, and other LGBTQ+ students, will be protected if we experience unsafe situations, harassment or violence.
53. I am also concerned about my future career opportunities because of my school's views. I am working towards a degree in social justice and community development while being taught that LGBTQ+ people should not be treated equally. I do not believe my University has adequately prepared me to serve my community. And why would a future employer?
54. I am participating in this case because I do not want to be erased. The history and experience of LGBTQ people is constantly being covered up by George Fox and similar institutions. We matter. We deserve to be seen. We deserve safety and respect.
55. 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 23<sup>rd</sup> day of March, 2021.

By Audrey Wojnarowisch  
Audrey Wojnarowisch (Mar 25, 2021 16:28 PDT)

---

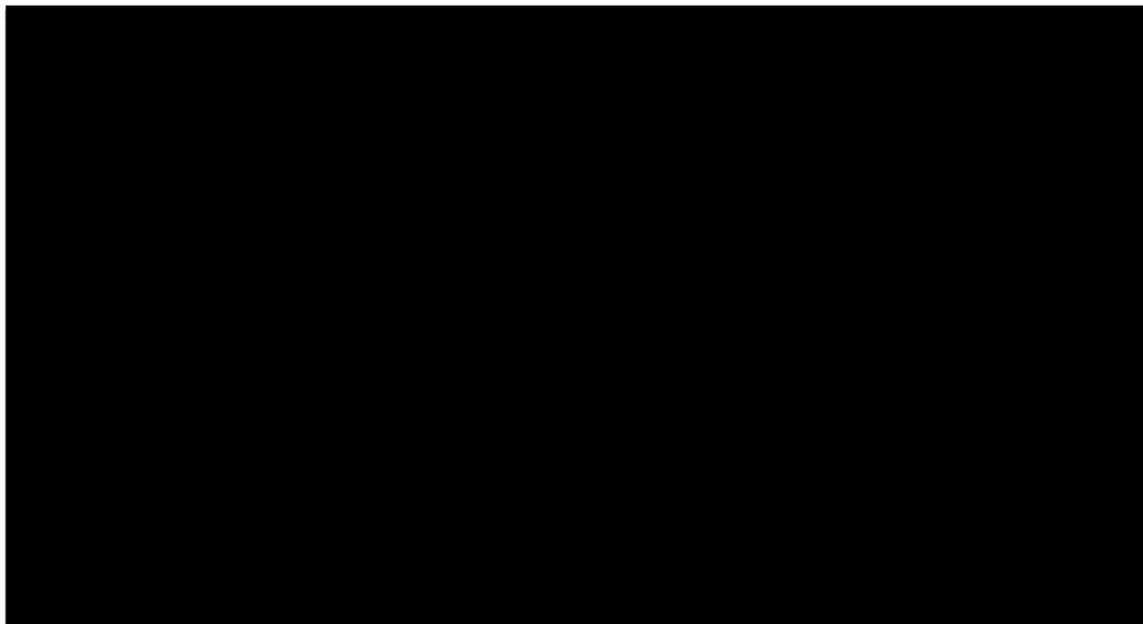
Audrey Wojnarowisch

# Audrey Wojnarowisch Declaration

Final Audit Report

2021-03-25

Created: 2021-03-25  
By: Lauren Swain (lauren@paulsouthwick.com)  
Status: Signed  
Transaction ID: [REDACTED]



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

Elizabeth HUNTER; et al., on behalf of	)	
themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
U.S. DEPARTMENT OF EDUCATION and	)	
Suzanne GOLDBERG, in her official capacity as	)	
Acting Assistant Secretary for Civil Rights,	)	
U.S. Department of Education,	)	
	)	
Defendants.	)	

Civil Action No. 6:21-cv-00474-AA

**DECLARATION OF AVERY BONESTROO**

I, Avery Bonestroo, 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 Sioux Center, Iowa, located in Sioux County.
3. Since August, 2017, I have been student at Dordt University (hereinafter "Dordt") in Sioux Center, Iowa.
4. I am majoring in theater.
5. I expect to graduate in May, 2021.
6. I am 21 years old.
7. While attending Dordt, I received Federal Financial Aid, including student loans from the U.S. Department of Education. I have a federal work study position in the costume shop for the theater department.
8. After graduation, I will be required to repay the federal student loans I received to pay for my education at Dordt.

9. I attended Dordt because I live close by, my mother approved of the college and the university offered me a generous financial aid package.

10. I live in on campus housing. Campus housing is gendered according to a gender binary.

11. Dordt has brought speakers to campus who advocate a non-affirming view of LGBTQ+ students.

12. In certain classes at Dordt, the professors teach that LGBTQ+ identities and lives are sinful and rejected by God. I have had to sit through such classes, which has been a painful experience. The professors do not make room for affirming positions to be expressed in class.

13. Dordt's student handbook outlines rules of behavior for students.

14. The handbook regulates romantic relationships and sexual conduct.

15. The handbook states "scripture is clear that God created humans as two distinct sexes, male and female; however, due to sin and brokenness, our experience of sex and gender is not always what God the Creator originally designed for His glory and our joy and flourishing as his servants." This statement makes me feel frustrated because it erases the lives and experiences of gender-nonconforming, transgender and intersex students.

16. The handbook later goes on to say, "the only appropriate and permissible context in which sexual intimacy may be expressed as overt sexual interaction is in a marriage partnership of a man and a woman." This statement feels very unwelcoming and threatening and ignores the history of non-heterosexual people at Dordt and in our community.

17. The 2020-2021 Student Handbook defines the following sexual misconduct forbidden for Dordt students both on and off campus:

A. "Promoting or advocating sexually immoral activity",

B. “Extramarital sexual relations”,

C. “Homosexual relations”,

D. “Transgendered Behavior.”

18. These regulations force strict, unhealthy views of sexuality and gender on students at Dordt.

19. The prohibitions on “homosexual relations” and “transgendered behavior” are vague, give rise to suspicion of non-conforming students and put queer and trans students at risk of disciplinary action.

20. Some professors have told me that I should dress more feminine. Other students have told me that I should dress more feminine. These conversations made me feel uncomfortable and like I do not belong here or have equal footing with heterosexual or cisgender students.

21. The 2020-2021 Student Handbook goes on to state the following about same-sex romantic relationships:

*C. Homosexual relations. It is unacceptable to have sexual relations with someone of the same sex. It is unacceptable to marry or be engaged to marry a person of the same sex. Dordt University also prohibits promoting or advocating such activity.*

*D. Transgendered Behavior. Adopting an identity discordant with one’s biological sex is prohibited. Dordt university also prohibits promoting or advocating such activity.*

11. Non-heterosexual public displays of affection are not allowed and will likely lead to other students reporting it to administration, followed by potential disciplinary action by Dordt. I am generally forced to use my birth name and female pronouns at Dordt for fear that I will be disciplined for using Avery or they/them pronouns. The handbook also states that “the

university will make efforts to work in a counselling context with individuals who find it difficult to restrict their sexual activity within the institution of marriage.” The handbook goes on to say that Dordt may determine that if an individual participates in the forbidden conduct “an individual shall be dismissed from the university.”

12. I am bisexual and genderfluid.

13. I have a girlfriend who is also a student at Dordt but we have to hide our relationship for fear of discipline and rejection from Dordt administrators, faculty and other students.

14. I do not feel safe coming out at Dordt due to their policies as set forth in the handbook. I fear I will be forbidden to graduate or be forced to participate in conversion therapy if I do come out.

15. I fear that by changing my legal name in the future, Dordt may refuse to issue me a new diploma with my new name.

16. A female friend of mine was engaged to a woman and Dordt found out about the engagement. Dordt threatened to forbid her from graduating. This woman was an education major and was student teaching at a local school. One of the parent’s found out she was a lesbian and complained about her. Ultimately, Dordt relented and allowed her to graduate but asked her not to associate herself with Dordt after graduation.

17. There is no official or unofficial LGBTQ+ club or support group on campus.

18. I wish we could have an LGBTQ+ club so that we could support each other.

19. I have experienced anxiety and depression while a student at Dordt. Dordt’s policies on sexuality and gender identity have contributed to my anxiety and depression.

20. Dordt's on-campus counselling center is inadequately staffed and not a safe space for queer or trans students to seek help with their mental health. Local therapists in my community are generally not accepting of LGBTQ+ people and I have been unable to find an affirming mental health provider.

21. I have stayed at Dordt, rather than leaving for another college, because many of my courses here would not transfer to another college, it would be difficult for me financially and I have made friends here that I would lose or be distanced from if I changed schools.

22. The campus climate at Dordt is not safe or supportive for queer and trans students. In addition to Dordt's policies, some students at Dordt harbor animosity towards queer and trans students and are given cover for their hostility by Dordt's policies and climate.

23. I have not filed a Title IX complaint with Dordt or with the U.S. Department of Education because I feel that it would not be safe for me to do so and that it would not be worth the risk of discipline, harassment or expulsion because my complaint would not go anywhere due to Dordt's status as a religiously affiliated institution.

24. There are other queer, non-binary and trans students at Dordt, most of whom are not publicly out at Dordt because they fear for their safety and security.

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 27<sup>th</sup> day of January, 2021.

By:

  
Avery Bonestroo



BOB JONES UNIVERSITY  
EST. 1927

April 1, 2016

Ms. 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 Bob Jones University 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 act in accordance with its religious convictions. As president of Bob Jones University, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

Bob Jones University (BJU) was founded in 1927 as a Christ-centered institution of higher education, emphasizing theology and the arts.<sup>1</sup> BJU is committed, "[w]ithin the cultural and academic soil of liberal arts higher education," to "grow[ing] Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."<sup>2</sup>

BJU is completely controlled by a religious organization: its Board of Trustees.<sup>3</sup> All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

---

<sup>1</sup> See <http://www.bju.edu/about/history.php>.

<sup>2</sup> See <http://www.bju.edu/about/mission-statement.php>.

<sup>3</sup> Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p.8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p.35.

Ms. Catherine Lhamon

Page 2

April 1, 2016

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.<sup>4</sup>

Board members must also annually read and consent to the mission statement<sup>5</sup>, as well as the general objectives of the University as set forth in the bylaws and charter<sup>6</sup>, and the University's philosophy of education statement<sup>7</sup> (copies of which are enclosed).<sup>8</sup> Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.<sup>9</sup> Board members who can no longer agree to these items disqualify themselves from membership.<sup>10</sup>

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the creed is foundational to all that it does, including what is taught in its classes<sup>11</sup>.

The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards,

---

<sup>4</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>5</sup> See <http://www.bju.edu/about/mission-statement.php>.

<sup>6</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>7</sup> Bob Jones University Policy Manual, Vol. I, Section 1.2.3, p. 6.

<sup>8</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.3(1), p.21.

<sup>9</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.2(2), p. 21.

<sup>10</sup> Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p.21.

<sup>11</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p.21; Bob Jones University Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

Ms. Catherine Lhamon

Page 3

April 1, 2016

including with respect to how BJU's president is chosen and who is scripturally qualified to preach the Scripture. As articulated in its Presidential Profile (enclosed), BJU's Board of Trustees requires that its president possess certain personal traits because the president is not only chief executive of a large and complex educational institution, but also the spiritual leader of a religious community.

Although BJU does not expressly require that its president be male, a "candidate must be an ordained preacher who is an able, evangelistic, biblically qualified, inspirational and biblically sound preacher of the inerrant Word."<sup>12</sup> The same section of the policy manual refers to the passages of Holy Scripture that set forth the criteria for ordained preachers (and thus, indirectly, for the president of BJU).<sup>13</sup> Those passages reveal that ordained preachers must be male.<sup>14</sup> Because BJU's selection criteria for its president are drawn directly from the Bible, and thus are based upon BJU's religious tenets, BJU requests exemption from Title IX and its accompanying regulations to the extent that they are interpreted to reach BJU's selection of its president, and any other positions at BJU for which ordination is a qualification.

BJU does not have any written policies expressing the qualifications of speakers for its conferences or other events; the president selects speakers at his discretion. Regarding those who will preach the Bible at conferences or other events, the president customarily begins with ordained preachers with whom he is familiar, possessing knowledge of their ministries, their orthodoxy, and their degree of agreement with BJU's understanding of Christian doctrine. Speakers who will not preach the Bible need not be ordained. Both men and women have spoken at campus events and conferences. However, it is the University's sincerely held belief that only males may be ordained to the preaching and pastoral ministry.

Because its conference speaker selection criteria are based upon its religious tenets, BJU requests a religious exemption to the extent that Title IX or its accompanying regulations are interpreted to include selection of conference speakers or reach BJU's selection of Bible preachers in any other context.

Specifically, BJU requests, 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 BJU is exempt from Title IX of the Education Amendments of 1972 and the following implementing regulations, to the extent that they are interpreted to curtail the University's freedom to fill positions requiring ordination and select Bible preachers in accordance with its theological commitments:

---

<sup>12</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.6, p. 24.

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

<sup>14</sup> 1 Timothy 3; Titus 1.

Ms. Catherine Lhamon

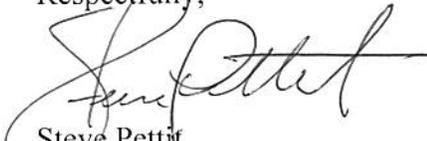
Page 4

April 1, 2016

- 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.

Respectfully,



Steve Pettit  
President

SP:mam



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

June 17, 2016

Steve Pettit  
President  
Bob Jones University  
1700 Wade Hampton Blvd.  
Greenville, SC 29614

Dear President Pettit:

I write to respond to your April 1, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. 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 request explains that members of the University's Board of Trustees, which "completely control[s]" the University, are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning. . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that "Board members must also annually read and consent to the mission statement, as well as the general objectives of the University as set forth in the bylaws and charter, and the University's philosophy of education statement." You explain that faculty are also required "to affirm the University Creed . . . since the creed is foundational to all that [the University] does, including what is taught in its classes."

You request an exemption to the extent that Title IX or its implementing regulations "are interpreted to reach [the University's] selection of its president, and any other positions at [the University] for which ordination is a qualification." In support of this request, you explain that the University's Presidential Profile requires that the University president be an ordained preacher. You explain that the Presidential Profile is based on biblical requirements that

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://www.ed.gov)

Steve Pettit – page 2

ordained preachers be male.

Your letter also requests a religious exemption from certain provisions of Title IX “to the extent that Title IX or its accompanying regulations are interpreted to include selection of conference speakers or reach [the University]’s selection of Bible preachers in any other context.” You explain that the University “president selects speakers at his discretion” for University conferences or other events and that both “men and women have spoken at campus events and conferences” because “[s]peakers who will not preach the Bible need not be ordained.” However, because “it is the University’s sincerely held belief that only males may be ordained to the preaching and pastoral ministry,” only men are selected as speakers who will “preach the Bible at conferences or other events.” Specifically, “the president customarily begins with ordained preachers with whom he is familiar, possessing knowledge of their ministries, their orthodoxy, and their degree of agreement with [the University’s] understanding of Christian doctrine.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions to the extent they “are interpreted to curtail the University’s freedom to fill positions requiring ordination and select Bible preachers in accordance with theological commitments:”

- 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 sex in the University’s decisions to fill positions requiring ordination and select Bible preachers for University conferences and events, and compliance would conflict with the controlling organization’s religious tenets.

Steve Pettit – page 3

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 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



# BOB JONES UNIVERSITY

EST. 1927

September 22, 2016

Ms. 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: Supplemental Request for Religious Exemption from Certain Applications of Title IX

Dear Ms. Lhamon:

This letter supplements Bob Jones University's April 1, 2016, Request for Religious Exemption from Certain Applications of Title IX. The purpose of this supplemental request is to supplement, expand, and clarify the scope of that exemption request. Nothing herein should be construed as rescinding or withdrawing the specific provisions of that request.

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 Bob Jones University 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 act in accordance with its religious convictions. As president of Bob Jones University, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

As stated in the April 1 request, and unchanged since that time, BJU is completely controlled by a religious organization: its Board of Trustees.<sup>1</sup> All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

---

<sup>1</sup> Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p.8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p.35.

Ms. Catherine Lhamon  
Page 2  
September 22, 2016

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.<sup>2</sup>

At each annual board meeting, all members are required<sup>3</sup> to read and indicate consent to the general objectives of the University as set forth in the bylaws and charter,<sup>4</sup> the University's philosophy of education statement,<sup>5</sup> and the Creed (copies of which are enclosed). Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.<sup>6</sup> Board members who can no longer agree to these items disqualify themselves from membership.<sup>7</sup>

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the creed is foundational to all that it does, including what is taught in its classes.<sup>8</sup> The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards.

---

<sup>2</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>3</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.3(1), p.21.

<sup>4</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>5</sup> Bob Jones University Policy Manual, Vol. I, Section 1.2.3, p. 6.

<sup>6</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.2(2), p. 21.

<sup>7</sup> Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p.21.

<sup>8</sup> Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p.21; Bob Jones University Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

Ms. Catherine Lhamon  
Page 3  
September 22, 2016

The Bob Jones University policy manual cites the passages of Holy Scripture that set forth the criteria for ordained preachers and pastoral leadership.<sup>9</sup> Those passages reveal that ordained preachers and pastoral leaders must be male.<sup>10</sup> Therefore, it is the University's sincerely held religious belief that only males may be ordained to the preaching and pastoral leadership ministry.

Because the University believes that only males may be ordained to these ministries:

- 1) it admits only males to any program whose stated purpose is to prepare for a preaching or pastoral leadership ministry (such as, but not limited to, the Master of Ministry and Doctor of Ministry);
- 2) it admits only males to any course whose stated purpose is to prepare for a preaching or pastoral leadership ministry (such as, but not limited to, homiletics, church administration, and pastoral leadership);
- 3) only males may participate in those programs and courses, or any derivative or ancillary activities; and
- 4) it employs only males to instruct and train those in programs or courses the purpose of which is to prepare for a preaching or pastoral leadership ministry.

Because only males are admitted to preaching and pastoral leadership ministry programs and courses:

- 1) scholarships, if any, specifically designed to assist those in such preaching and pastoral leadership programs and courses are available only to males;
- 2) the University recruits only males to those programs and/or courses; and
- 3) the University does not provide employment or job placement services, career counseling, or networking services for females in any preaching or pastoral leadership ministries, nor does it directly or indirectly assist any person or organization to do so.

Based upon the University's sincerely held belief that only males may be ordained to the preaching and pastoral ministry, BJU requests, 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 BJU is exempt from Title IX of the Education Amendments of 1972 and the following implementing

---

<sup>9</sup> Bob Jones University Policy Manual, Vol. I, Section 1.4.1.6, p. 24.

<sup>10</sup> 1 Timothy 3; Titus 1.

Ms. Catherine Lhamon  
Page 4  
September 22, 2016

regulations, to the extent that they are interpreted to curtail the University's freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and ancillary services as set forth above to only males in accordance with its theological commitments:

- 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.

Respectfully,



Steve Pettit  
President  
Bob Jones University

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 17, 2016

Steve Pettit  
President  
Bob Jones University  
1700 Wade Hampton Blvd.  
Greenville, SC 29614

Dear President Pettit:

I write to respond to your September 22, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. 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 September 22 letter notes that it supplements your April 1, 2016, request for a religious exemption, which OCR granted by letter dated June 17, 2016. Your request explains that members of the University's Board of Trustees, which "completely control[s]" the University, are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning . . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that Board members must also annually "read and indicate consent to the general objectives of the University as set forth in the bylaws and charter [and] the University's philosophy of education statement." You explain that faculty is also required "to affirm the University Creed . . . , since the creed is foundational to all that [the University] does, including what is taught in its classes."

You request an exemption to the extent that Title IX or its implementing regulations "are interpreted to curtail the University's freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

Steve Pettit – page 2

ancillary services as set forth [in the September 22 letter] to only males in accordance with its theological commitments.” In support of this request, you explain that the University’s “policy manual cites the passages of Holy Scripture that set forth the criteria for ordained pastoral leaders,” including that “only males may be ordained to the preaching and pastoral leadership ministry.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions to the extent they “are interpreted to curtail the University’s freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and ancillary services ... to only males in accordance with its theological commitments:”

- 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 sex in education programs and activities for individuals ordained to the pastoral leadership or preaching ministry, and that prepare individuals for the pastoral leadership or preaching ministry, including programs, courses, and ancillary services, 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

Steve Pettit – page 3

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 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,

A handwritten signature in black ink, appearing to read 'CEL', is positioned above the typed name.

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



BOB JONES UNIVERSITY  
EST. 1927

April 5, 2017

Sandra Battle, Acting 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: Religious Exemption from Certain Applications of Title IX

Dear Ms. Battle:

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 (OCR) acknowledge that Bob Jones University 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 act in accordance with its religious convictions. As President of Bob Jones University, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

Bob Jones University ("BJU" or "the University") was founded in 1927 as a Christ-centered institution of higher education, emphasizing theology and the arts.<sup>1</sup> BJU is committed, "[w]ithin the cultural and academic soil of liberal arts higher education," to "grow[ing] Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."<sup>2</sup>

BJU is completely controlled by a religious organization: its Board of Trustees.<sup>3</sup> All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

---

<sup>1</sup> See <http://www.bju.edu/about/history.php>.

<sup>2</sup> See <http://www.bju.edu/about/mission-statement.php>.

<sup>3</sup> Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p. 8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p. 35.

Letter to Sandra Battle

April 5, 2017

Page 2 of 7

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.<sup>4</sup>

At each annual board meeting, all members are required<sup>5</sup> to read and indicate consent to the general objectives of the University as set forth in the bylaws and charter,<sup>6</sup> the University's philosophy of education statement,<sup>7</sup> and the Creed (copies of which are enclosed). Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.<sup>8</sup> Board members who can no longer agree to these items disqualify themselves from membership.<sup>9</sup>

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."<sup>10</sup>

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the Creed is foundational to all that the University does, including what is taught in its classes.<sup>11</sup> The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards.

---

<sup>4</sup> Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>5</sup> Policy Manual, Vol. I, Section 1.4.1.3(1), p. 21.

<sup>6</sup> Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

<sup>7</sup> Policy Manual, Vol. I, Section 1.2.3, p. 6.

<sup>8</sup> Policy Manual, Vol. I, Section 1.4.1.2(1), p. 21.

<sup>9</sup> Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p. 21.

<sup>10</sup> See <http://www.bju.edu/about/creed-mission.php>.

<sup>11</sup> Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p. 21; Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

Letter to Sandra Battle

April 5, 2017

Page 3 of 7

Therefore, consistent with a biblical interpretation of the value of life, BJU has developed a position statement on the sanctity of life, which states in relevant part:

We believe that followers of Jesus Christ who are governed by the authority of the Bible are ethically obligated to preserve, promote, and defend the sanctity of human life.

We believe that when dealing with areas of uncertainty and ethical dilemmas we should take the safest possible course and promote life. Jesus teaches this principle of carefulness in the Sermon on the Mount when He instructs His followers not only to avoid killing, but to cease from any activity or passion that increases one's proclivity toward murder (Matt. 5:21-22).

We believe that the Bible consistently depicts fetal life as both personal and human. And we believe that our thinking about issues related to contraception, the harvesting of embryonic stem cells, and aborticides should be governed accordingly.

Therefore, we oppose the practice of abortion on the grounds that it involves the intentional, purposeful, and direct ending of a human life that began at conception. We oppose the causation of the death of an unborn human child even if there is a conflict between the survival of the mother and the survival of the unborn child.

In very rare cases when it is medically determined that continuing a pregnancy would jeopardize the physical life of the mother, we would support treatment to preserve the life of the mother short of abortion.

We oppose suicide on the grounds that God owns human life. (The Bible nowhere depicts suicide as a commendable personal choice [1 Sam. 31:4; 2 Sam. 17:23; 1 Kings 16:18-20; Matt. 27:5; Acts 1:18].)

We oppose all forms of euthanasia, since God reserves the right to determine life's end (1 Cor. 6:19-20; Job 14:5).

We recognize that scientific advances have raised significant ethical questions concerning the indefinite prolongation of life through medical support systems. These questions have to be handled individually by the family of those suffering. But in general, we believe that although Christians should sustain life wherever possible, we are not obligated to prolong the process of dying.

Letter to Sandra Battle

April 5, 2017

Page 4 of 7

We reserve the right to make institutional decisions consistent with these positions for employment, hiring, retention, student admissions, discipline and all other matters.<sup>12</sup>

For that reason, I request, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that OCR acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail BJU's freedom to apply and enforce its position on the sanctity of human life in accordance with its theologically-grounded convictions.

Additionally, consistent with historic understanding of the Holy Scriptures and our doctrinal standards, BJU affirms the following regarding sexual conduct:

The Scriptures teach that God created man and woman in His image (Gen. 1:27-28), brought them together in the life-long covenant relationship of marriage and blessed this union (Gen. 1:28). Furthermore, the Scriptures make plain that this first marriage was intended to be an authoritative pattern for all future human marriages as evidenced by the teachings of Moses (Gen. 2:18-24), the Wisdom books (Prov. 12:4; 18:22; 31:10; Eccles. 9:9), the Prophets (Mal. 2:13-16), the Apostles (1 Cor. 7:1-16; Eph. 5:21-33; Col. 3:14-19; Heb. 13:4; 1 Pet. 3:1-7), and Jesus Himself (Matt. 19:4-6; Mark 10:1-9).

Marriage is a covenantal life-long relationship between a woman and a man who were physically created and assigned these genders by God (Gen. 1:27; Ps. 139:13-16; Matt. 19:4; Mark 10:6). We believe God intended heterosexual marriage for the propagation of the human race and the loving expression of healthy relational and sexual intimacy, and to picture the covenant relationship He has with all believers (Eph. 5:22-33).

Human sexuality is part of God's divine design for human beings (Gen. 1:28). However, the Bible restricts all forms of consensual sexual activity to within the boundaries of the marriage relationship (1 Cor. 7:1-5; Heb. 13:4). The Bible clearly prohibits not only non-consensual sexual misconduct (Deut. 22:25-27) but also any consensual sexual activity outside the boundaries of heterosexual marriage (1 Thess. 4:1-8). Furthermore the Bible specifically names as sinful and prohibits any form of sexual activity between persons of the same sex (Rom. 1:26-27; 1 Cor. 6:9-10; 1 Tim. 1:10), polygamy (Matt. 19:4-6; 1 Cor. 7:11), incest (Lev. 18:6-18; 1 Cor. 5:1), bestiality (Exod. 22:19; Lev. 18:23; 20:15-16; Deut. 27:21; Gal. 5:19; Eph. 5:3; Col. 3:5), adultery (Exod. 20:14; Mark 10:19; Luke 18:20; James 2:11), and

---

<sup>12</sup> See <http://www.bju.edu/about/positions.php>.

Letter to Sandra Battle  
April 5, 2017  
Page 5 of 7

fornication of any sort including pornography (1 Cor. 6:9-10; 1 Thess. 4:3-8; Lev. 18:20).<sup>13</sup>

BJU, in service to the Church, understands that some with Christian faith may struggle with same-sex attraction. But, BJU, consistent with Scriptural teaching, affirms that sexual activities with members of the same sex cannot be condoned as acceptable expressions of one's sexuality. As you are aware, the EEOC has begun declaring that the ban on sex discrimination in Title VII of the Civil Rights Act of 1964 also forbids discrimination on the basis of sexual orientation.<sup>14</sup>

It is conceivable that OCR could interpret Title IX of the Education Amendments of 1972 the same way. To the extent these suppositions are correct, it appears as though compliance with Title IX, if interpreted by ED OCR to reach sexual orientation discrimination, would also be inconsistent with the theological commitment of BJU. BJU, therefore, also claims exemption on this basis out of an abundance of caution.

Finally, consistent with these theological standards, the University has developed a position statement addressing gender identity (enclosed). That statement provides in pertinent part as follows:

God created man and woman in His image as two distinct but equal genders which He intends to use for His glory (Gen. 1:26-27). Furthermore, individual gender is assigned by God and determined at conception (Ps. 139:13-16). Therefore we believe that to intentionally alter or change one's physical gender or to live as a gender other than the one assigned at conception is to reject God's right as Creator to assign gender to His creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual (1 Cor. 10:31).

Because the positions set forth in this statement are grounded in the biblical, moral and ethical commands clearly taught and demanded by Scripture, BJU expects all employees and students enrolled at BJU to agree with and abide by this statement on marriage, human sexuality, and gender identity.

As you know, OCR has issued a "Dear Colleague" letter jointly with the Department of Justice, which states that Title IX's prohibition on sex discrimination "encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender

---

<sup>13</sup> See <http://www.bju.edu/about/positions.php>.

<sup>14</sup> See <http://www.eeoc.gov/decisions/0120133080.pdf>.

Letter to Sandra Battle

April 5, 2017

Page 6 of 7

status.”<sup>15</sup> That is, a school “must not treat a transgender student differently from the way it treats other students of the same gender identity.”<sup>16</sup>

OCR’s letter indicated that a school must use pronouns and names that reflect a transgender student’s gender identity, and permit the student full access, based upon gender identity, to sex-segregated activities and facilities, including locker rooms, restrooms, showers, housing (including overnight accommodations), and athletic teams.<sup>17</sup> And as you also know, OCR previously issued guidance on sexual violence prevention which incorporates discrimination based on “gender identity” as part of “sex discrimination” under the statute.<sup>18</sup>

Moreover, the resolution agreement<sup>19</sup> between the Arcadia Unified School District and OCR (and the Department of Justice) requires that 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 the sex to which they believe they belong.<sup>20</sup> It is thus reasonable to suppose that OCR believes that Title IX requires such responses.

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 OCR to reach transgender discrimination, would be inconsistent with the religious tenets of the University.

For that reason, I request, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that OCR acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail BJU’s freedom to respond to transgender individuals in accordance with its theologically-grounded convictions.

All of us are sinners. We live in a world broken by sin and are called to live out our biblical beliefs among those who may disagree with us. We desire to do so in ways that honor God and point them to Him (1 Pet. 1:11-12). We believe every person must be treated with respect and

---

<sup>15</sup> U.S. Department of Justice and U.S. Department of Education, Dear Colleague Letter on Transgender Students, *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

<sup>16</sup> *Id.* at p. 2.

<sup>17</sup> *Id.*

<sup>18</sup> U.S. Department of Education, Questions and Answers on Title IX and Sexual Violence, *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> at 5 (“Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.”)

<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.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>.

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

Letter to Sandra Battle

April 5, 2017

Page 7 of 7

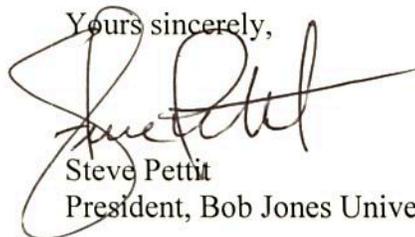
compassion and are committed to living out our commitments to these biblical standards with grace and humility. We also believe that we are called to speak God's truth in love (Eph. 4:15) as we call all men to recognize that all human sinfulness is an offense to God (Rom. 3:10-11; Rom. 6:23a), that God has displayed immense grace and mercy toward all sinners (Eph. 2:1-10), and that He offers a full and free forgiveness through Jesus Christ to all who repent and forsake their sin and turn in faith to Him (Acts 3:19-21; Rom. 6:23; 10:9-10; 1 Cor. 6:9-11; 1 John 1:8-9).<sup>21</sup>

BJU accordingly requests that your office acknowledge that the BJU is exempt from Title IX and the following implementing regulations (to the extent they restrict BJU's freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or 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)

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.

Yours sincerely,



Steve Pettit  
President, Bob Jones University

---

<sup>21</sup> See <http://www.bju.edu/about/positions.php>.

## **Charter and Bylaws of Bob Jones University**

### **Preamble**

The basic principles of all bylaws or rules and regulations of Bob Jones University shall be the fundamental truths embodied in the University Creed as perpetuated in the charter of the institution as follows:

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.

All resolutions, motions and actions of the Board of Trustees of the University and the Executive Committee shall be construed and interpreted in the light of this creed. All resolutions, motions or actions by the Board of Trustees, the Executive Committee, the faculty, or any officer or agent of the University which are contrary to the fundamental principles set forth in the creed are hereby declared to be null and void. It shall be the duty of the Executive Committee hereinafter provided for to keep a strict supervision over the affairs of the University and at all times to protect, uphold and defend the creed and all other bylaws and rules and regulations of the University lawfully adopted.

### ***1.2.3 Christian Philosophy of Education***

Christian education at BJU is a spiritual ministry that has as its purpose to further the process of spiritual development in the image of God. BJU endeavors to teach students to know God and to imitate Him in His character and in His works. This commitment embraces all that is done in and out of the classroom. Knowledge of the written Word of God, the Bible, remains at the center. The academic studies radiate from this center as studies of God's works. Biblical truth is not confined to the required Bible courses but is diffused throughout the curriculum.

Yet to know God implies more than just knowledge about God. The knowledge of God that is unique to Christian education is a personal knowledge that begins with repentance of sin and faith in Jesus Christ as Savior and develops through obedience to and communion with God. To know God is to be born into the family of God and to live in fellowship with Him. With this knowledge as the starting point, student attention is directed outward to the full range of natural facts and human experience and to formulations of that experience in history and philosophy, literature and art—all as reflective of the work of God intersecting with the work of man. The student develops a worldview coherent with the work of God in his life.

The work of God in a student's life is a process of his imitating God in his character and service. Accordingly, BJU faculty and Administration urge students onward in this process and provide an environment structured toward this purpose. As in secular education, the environment of Christian education is artificially selective, including elements favorable to its purpose and suppressing those unfavorable to it. BJU does not apologize for the prescriptiveness of the educational experience here. Its character goals require it.

BJU also provides students with ministry opportunities so it becomes natural to them to live out their beliefs in service to God and to others. Students are requested to have weekend ministries of various sorts both in the immediate area and in surrounding states as well. The University keeps before all its students their responsibility to share the Gospel and minister to others.

**Bob Jones University Creed**

I believe in the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God.

**Statement about Gender Identity**

God created man and woman in His image as two distinct but equal genders which He intends to use for His glory (Gen. 1:26-27). Furthermore, individual gender is assigned by God and determined at conception (Ps. 139:13-16). Therefore we believe that to intentionally alter or change one's physical gender or to live as a gender other than the one assigned at conception is to reject God's right as Creator to assign gender to His creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual (1 Cor. 10:31).

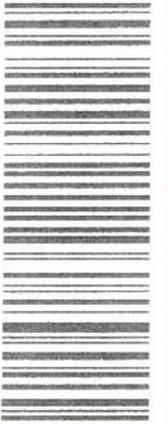


# BOB JONES UNIVERSITY

1100 UNIVERSITY DRIVE  
PO BOX 10000  
GREENSBORO, NC 27402

Sandra Battle, Acting 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

CERTIFIED MAIL™



7012 2210 0001 5274 0697

FIRST-CLASS MAIL

neopost<sup>®</sup>

04/05/2017

**US POSTAGE \$004.96<sup>00</sup>**



ZIP 29614  
041L12202981

1100 UNIVERSITY DRIVE  
PO BOX 10000  
GREENSBORO, NC 27402



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

Steve Pettit  
President  
Bob Jones University  
1700 Wade Hampton Blvd.  
Greenville, SC 29614

Dear President Pettit:

I write in response to your April 5, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, from Title IX of the Educational Amendments of 1972 (Title IX), 20 U.S.C. § 1681.

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 that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may 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 request letter states that the University is "completely controlled" by its Board of Trustees, the members of which are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning . . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that Board members must also annually "read and indicate consent to the general objectives of the University as set forth in the bylaws and charter [and] the University's philosophy of education statement." You explain that faculty members are also required "to affirm the University Creed . . . , since the creed is foundational to all that the University does, including what is taught in its classes."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent they restrict the University's freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or gender identity. In support of this request, your letter cites the University's position statement on the sanctity of life, which explains that "followers of Jesus Christ who are governed by the

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://www.ed.gov)

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

Steve Pettit — page 2

authority of the Bible are ethically obligated to preserve, promote, and defend the sanctity of human life, and that the University therefore opposes “the practice of abortion on the grounds that it involves the intentional, purposeful, and direct ending of a human life that began at conception,” “suicide on the grounds that God owns human life,” and “all forms of euthanasia, since God reserves the right to determine life’s end.” Your letter further states that “God created man and woman in His image,” that “[m]arriage is a covenantal life-long relationship between a woman and a man who were physically created and assigned these genders by God” and that the Bible prohibits “any consensual sexual activity outside the boundaries of heterosexual marriage.” Finally, your letter cites the University’s position on gender identity, which provides that “individual gender is assigned by God and determined at conception” and “that to intentionally alter or change one’s physical gender or to live as a gender other than the one assigned at conception is to reject God’s right as Creator to assign gender to His creatures.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent they restrict the University’s freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or gender identity:

- 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);
- 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 and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 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. §§ 106.51-61 (governing employment).

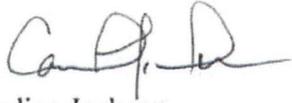
The University is exempt from these provisions to the extent that compliance would conflict with the controlling organization’s religious tenets.

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 recognized.

Steve Pettit — page 3

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 'Candice Jackson', with a stylized flourish at the end.

Candice Jackson  
Acting Assistant Secretary for Civil Rights