



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

May 4, 2022

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

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

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

Dear Ms. Swain:

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

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

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

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

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[www.ed.gov](http://www.ed.gov)

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

After carefully reviewing the information you provided, OCR has determined that it will not investigate Allegation 2. According to the information provided in the Student's Declaration, which was attached to your complaint, the Student attended the University between August 2008 and May 2012, and the acts of alleged discrimination against the Student occurred during that timeframe. As explained in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination unless OCR grants a waiver under Section 107 of the CPM. You filed this complaint on July 27, 2021, more than 180 days after the University allegedly discriminated against the Student between August 2008 and May 2012.

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

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

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

You have a right to appeal OCR's dismissal of Allegation 2 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or by fax. You must either submit (1) a completed appeal form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form> or (2) a written statement of no more than 10 pages (double-spaced, if typed) by e-mail to [OCR@ed.gov](mailto:OCR@ed.gov), by fax to 202-245-8392, or by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted by fax. In the appeal, you must explain why you believe the factual information described here was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

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

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

If you have any questions or concerns, please contact Sarah Morgan, the OCR attorney assigned to this complaint, at (202) 245-7364, or by email at [sarah.morgan@ed.gov](mailto:sarah.morgan@ed.gov).

Sincerely,

Zorayda Moreira-Smith  
Supervisory Attorney



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

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

May 3, 2022

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

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

Re: La Sierra University  
OCR Case No. 09-21-2314

Dear Ms. Swain:

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

- 1) The University is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity by refusing to officially recognize the LGBTQ student group on campus (Allegation 1);
- 2) The University is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity because its policies and practices, including in its current student handbook, endorse the Seventh-day Adventist doctrine on homosexuality, stating that sexual intimacy belongs only within the marital relationship of a man and a woman (Allegation 2); and
- 3) The University discriminated against the Student on the basis of sexual orientation and gender identity by failing to address their two complaints to the University in 2018, which alleged that a faculty member made homophobic comments in the classroom and a guest lecturer made comments disparaging LGBTQ individuals (Allegation 3).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis

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of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

OCR is opening Allegations 1 and 2 for investigation because OCR has determined that it has jurisdiction, that these allegations were timely filed, and that they are appropriate for investigation under the laws and regulations enforced by OCR. If you disagree with the way OCR stated Allegation 1 or 2, please contact the OCR staff person identified below within 10 days of the date of this letter.

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

After carefully reviewing the information you provided, OCR has determined that it will not investigate Allegation 3. According to the Student, the allegation concerning the University's failure to address their two discrimination complaints occurred in the spring and winter of 2018. As explained in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination unless OCR grants a waiver under Section 107 of the CPM. You filed this complaint on July 27, 2021, more than 180 days after the University allegedly discriminated against the Student in the spring and winter of 2018.

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

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

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

You have a right to appeal OCR's dismissal of Allegation 3 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or by fax. You must either submit (1) a completed appeal form online at <https://ocras.ed.gov/content/ocr-electronic-appeals->

[form](#) or (2) a written statement of no more than 10 pages (double-spaced, if typed) by email to [OCR@ed.gov](mailto:OCR@ed.gov), by fax to 202-453-6012, or to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted by fax. In the appeal, you must explain why you believe the factual information described here was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

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

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

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

Sincerely,



Anamaria Loya  
Chief Attorney



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

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

May 3, 2022

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

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

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

Dear Ms. Swain:

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

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

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OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

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

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

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

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

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

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

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

OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

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

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

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

Sincerely,



Anamaria Loya  
Chief Attorney



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VIII

ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

April 8, 2022

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

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

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

Dear Ms. Swain:

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

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

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of financial assistance from the Department, the University is subject to Title IX.

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

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

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

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

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

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

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

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

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

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

Sincerely,

Thomas M. Rock  
Supervisory Attorney



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**January 18, 2022**

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

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

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

Dear Ms. Swain:

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

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

OCR enforces Title IX of the Education Amendments of 1972<sup>1</sup> (Title IX), and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX.

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Christina M. Haviland  
Supervisory Attorney



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION V  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

January 7, 2022

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

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

OCR Case No. 05-22-2023

Dear Ms. Swain:

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

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

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

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

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

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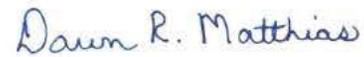
<sup>1</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

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

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

Sincerely,

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

Dawn R. Matthias  
Team Leader