

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JANE DOES 1-12 <i>Plaintiffs,</i> v. LIBERTY UNIVERSITY, INC.	Case No.: _____
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COMPLAINT

Plaintiffs Jane Doe 1-through-12, through their attorney, Gawthrop Greenwood, PC, hereby Complain of Liberty University, Inc., and in support thereof allege as follows:

PARTIES

1. Liberty University is a Virginia Corporation that does business in the State of New York through its “Liberty University Online” program and interactive website, which solicits payment and actually provides educational services, remotely, to residents of New York.
2. Jane Doe 1 is an adult individual residing in Islip, NY.
3. Jane Doe 2 is an adult individual residing in Spotsylvania, VA.
4. Jane Doe 3 is an adult individual residing in Charlotte, NC.
5. Jane Doe 4 is an adult individual residing in Tomball, TX.
6. Jane Doe 5 is an adult individual residing in Lynchburg, VA.
7. Jane Doe 6 is an adult individual residing in Charlottesville, VA.
8. Jane Doe 7 is an adult individual residing in Decatur IN.
9. Jane Doe 8 is an adult individual residing in Frederick, MD.
10. Jane Doe 9 is an adult individual residing in Hudsonville, MI.

11. Jane Doe 10 is an adult individual residing in Fort Worth, TX.
12. Jane Doe 11 is an adult individual residing in Barboursville, VA.
13. Jane Doe 12 is an adult individual residing Goochland, VA.

JURISDICTION & VENUE

14. This action arises under, *inter alia*, 20 U.S.C. § 1681, which prohibits educational discrimination on the basis of sex and, accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (relating to federal question jurisdiction) and 28 U.S.C. § 1333(a)(3) (relating to equal rights actions).

15. This Court has personal jurisdiction over Defendant Liberty University because it operates an interactive website that allows users to purchase services and receive online education entirely in New York. Moreover, it is known that Liberty University has actually provided those services in New York, because certain of its remote students and prospective students have filed claims against it here in the past.¹

16. Moreover, Doe 12's Section 2255 claim may be brought in any United States District Court where venue is proper, including in this Court.

17. To the extent that any claims set forth herein are not wholly within the subject matter jurisdiction of this Court pursuant to 28 U.S.C. §§ 1331-1333, this Court has supplemental jurisdiction over the remaining state court claims pursuant to 28 U.S.C. § 1367.

¹ See, e.g., *Jones v. Liberty University*, 1:19-cv-04704-CM; also, *Lawrence Young, et al., v. Liberty University, Inc*, 1:19-cv-04704-CM.

18. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) inasmuch as the University is a corporation subject to personal jurisdiction in this District.

STATUTE OF LIMITATIONS

19. Title IX has no explicit statute of limitations and, as a result, federal courts apply the most appropriate or analogous state statute of limitations.

20. The borrowing of a state-law statute of limitations carries with it the borrowing of the state's coordinate tolling rules, at least where such rules are not inconsistent with the letter and purpose of relevant provisions of federal law.

21. In assessing the relevant statute of limitations, the Court of Appeals for the Second Circuit has determined that Title IX actions are most analogous to personal injury actions.

22. While this generally yields a three-year statute of limitations, the most analogous statute of limitations in this action is N.Y.C.P.L.R. § 213-c, which provides a twenty-year statute of limitations for the adult victims of sexual offenses and N.Y.C.P.L.R. § 208 for the minor victim of sexual offenses.

23. Notably, Section 213-c is broad, encompassing any party whose intentional or negligent acts or omissions are alleged to have resulted in the commission of the said conduct, and not merely the perpetrator.

24. Moreover, the University owed a statutory duty to the Plaintiffs to inform them of their rights under Title IX but, instead, failed to do so and, to the contrary, threatened many of them, tacitly or explicitly, with discipline and expulsion if they pressed those rights. To whatever extent Plaintiff's claims do not fall into the expanded

statute of limitations for the victims of sexual violence, this extraordinary violation of the University's obligations constitutes sufficient extraordinary obstruction to entitle the Plaintiffs to equitable tolling.

RELEVANT LEGAL PROVISIONS

25. Title IX provides that no "person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . ." 20 U.S.C. § 1681(a).

26. Sexual harassment, including sexual assault and rape, can constitute impermissible gender discrimination under Title IX. *See, Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 649-50 (1999).

27. As early as November 2, 2000, the Department of Education issued guidance making it the responsibility of Institutions of Higher Education to remedy hostile environments, including campus-wide hostile environments, by updating their policies, procedures, and student training, where necessary:

If a hostile environment has affected an entire school or campus, an effective response may need to include dissemination of information, the issuance of new policy statements, or other steps that are designed to clearly communicate the message that the school does not tolerate harassment and will be responsive to any student who reports that conduct.

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 65 FR 66092-01

28. The same guidance made clear that Institutions of Higher Education had an obligation to follow up on reports of sexual assault where reports were made:

At a minimum, this includes making sure that the harassed students and their parents know how to report any subsequent problems and making follow-up inquiries to see if there have been any new incidents or any retaliation. To prevent recurrences, counseling for the harasser may be appropriate to ensure that he or she understands what constitutes harassment and the effects it can have. In addition, depending on how widespread the harassment was and whether there have been any prior incidents, the school may need to provide training for the larger school community to ensure that students, parents, and teachers can recognize harassment if it recurs and know how to respond.

Id.

LIBERTY UNIVERSITY'S CREATION OF AN UNSAFE ENVIRONMENT

29. Liberty University has intentionally created a campus environment where sexual assaults and rapes are foreseeably more likely to occur than they would in the absence of Liberty's policies.

30. Broadly speaking, Liberty University has created an unsafe campus environment in three key ways: (a) the creation and weaponization of a student honor code called "the Liberty Way" that makes it difficult or impossible for students to report sexual violence; (b) the promotion of a tacit but widely observed policy that condoned sexual violence, especially by male student athletes; and (c) the public and repeated retaliation against women who did report their victimization.

A. The Weaponization of the "Liberty Way."

31. Liberty University maintains an honor code it calls the "Liberty Way."

32. A copy of the "Liberty Way" is attached at Exhibit "A."

33. The Liberty Way prohibits sexual harassment, discrimination and assault, and notes that all "members of the Liberty community are expected to treat everyone with a spirit of Christian love, mutual respect, and individual dignity."

34. The University purports to offer support programs “to promote our commitment to biblical principles of abstinence and purity.”

35. The Liberty Way specifically provides that unmarried students may not engage in consensual sexual conduct of any kind:

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 outside of these standards and guidelines are violations of the Student Honor Code.

36. The Liberty Way goes on to explain that this provision is violated by “inappropriate personal contact, visiting alone with the opposite sex at an off-campus residence; entering the residence hallway, quad, or on-campus apartment of the opposite sex or allowing the same, or visiting any dwelling or residence with a member of the opposite sex in inappropriate circumstances.”

37. In addition to these “minor” infractions, Liberty University would issue students eighteen “points,” fine students \$250, and require them to perform eighteen hours of community service if they: (a) intentionally attended an event where alcohol is served; (b) were in “any state of undress with member of opposite sex”; or (c) watched an NC-17 rated film or played an “A” rated video-game.

38. The Liberty Way authorized the University to expel students who were guilty of sexual “immorality” or for “spending the night with a member of the opposite sex” and for “possession or consumption of alcoholic beverages.”

39. The Liberty Way contains a policy regarding self-reports. That policy provides that if a self-report is made within one-week of the misconduct, and there is no pre-existing investigation into the offense, then the Dean of Students Office “will work with the student in setting the necessary boundaries and accountability measures in place to foster an environment for growth.”

40. In other words, the self-reporting policy does not explicitly provide amnesty from the imposition of points, fines, or expulsion, but only provides that self-reporting students will be required to undergo counseling “boundaries” and “accountability measures” without further clarification. Moreover, the purported amnesty is only available for the first ten days following an ‘offense.’

41. The Liberty Way includes another exception with respect to reports by the victims of witnesses of sexual violence:

In order to encourage reports of conduct prohibited under this policy, an alleged victim or cooperating witness that may have been involved in a Code of Honor violation who makes a voluntary report or gives evidence to the Title IX Office related to a Title IX investigation, will be treated similarly to a Self-Report for Honor Code purposes. For example, if an alleged victim or cooperating witness reports a Title IX violation or gives truthful testimony in support of a Title IX investigation and that report or testimony implicates a student as having been involved with another Code of Honor violation (e.g. alcohol, immorality), the cooperating witness will not be sanctioned for that conduct. Under this provision, a cooperating witness may be asked to participate in development opportunities or educational services.

42. This provision is confusing, at best, because it (a) equates a report to Title IX to a self-report, which is time-limited and does not offer an explicit amnesty but, instead, makes clear that the University may impose “accountability measures”;

(b) claims that those who report to Title IX will not be sanctioned for violations of the Liberty Way; and (c) imposes the obligation on reporters to participate in “development opportunities” and “educational services.” In other words, this provision of the Liberty Way is hard to understand.

43. Liberty University also has a Title IX Policy, which it has updated from time-to-time, and which is available from 2015-through-present online in appendices to Liberty University’s Clery Act reports.

44. In 2015, Liberty University’s Title IX Policy, like the Liberty Way, simply (and confusingly) promised students that those reporting sexual violence would “be treated as a ‘self-report’ for disciplinary purposes for any violation of the Liberty Way Code of Conduct in connection with the reported incident.”

45. In 2016, Liberty University’s Title IX Policy included an expanded amnesty for reporters: “Self-reporting means that students will not be held responsible under the Student Honor Code for their own conduct violations, to which they admit to committing when reporting an alleged Title IX incident.” Confusingly, however, the same policy went on to note that “an alleged victim or cooperating witness may be asked to participate in student development opportunities or educational services upon review by the Student Progress Committee.”

46. In 2017 the amnesty was again revised, but still permitted the University to “initiate an initial inquiry or educational discussion, or pursue other non-disciplinary options, in response to alcohol or other drug use or immorality.”

47. In 2018, the amnesty was revised again. This time, the amnesty made clear that the University would not pursue disciplinary action against Complainants, Respondents, or cooperating witnesses for “consumption of alcohol or other drugs. . . or immorality[.]” The same policy, however, provided that this amnesty was available for “minor policy violations related to the incident” and, oddly, that in “lieu of taking disciplinary action in such cases, the University may require the person receiving amnesty to participate in education.”

48. Regardless of the subjective intent of the drafters of these policies, their actual application was uneven at best.

49. Some students who were the victims of sexual violence, including Plaintiffs below, reported their assaults to the University through RAs, and were urged to withdraw those reports because they involved admitted violations of the Liberty Way. Those students, including certain of the Plaintiffs, were told that their reports would subject them to discipline that could include expulsion. They, apparently, did not qualify for the amnesty, though no explanation for why was given.

50. Some students who actually self-reported their own violations of the Liberty Way or were the victims of sexual violence, including Plaintiffs below, were actually disciplined and fined in spite of their prompt report.

51. Some students, including certain of the Plaintiffs below, declined to report assaults against them altogether because of stories they had heard from other victims and witnesses about how the University punished the victims of sexual violence.

52. In short, Liberty University weaponized its sexual violence reporting policies by (a) offering the victims of sexual violence a confusingly worded amnesty that (b) was often ignored altogether in practice.

B. Tacit Policy of Deliberate Indifference.

53. During the investigation of this Complaint, multiple witnesses who previously worked in the Office of Student Conduct came forward to discuss their experiences there.

54. Multiple witnesses who worked in the student conduct office have alleged that the University had a tacit policy of weighting investigations in favor of accused male students such that denials of sexual misconduct by male students would regularly be accepted over allegations by female victims, including where the victim brought additional evidence to support her claim like photographs of bruising or text messages from the accused admitting to assault.

C. Public Retaliation Against Female Reporters

55. In addition to the foregoing, multiple witnesses, including certain of the Plaintiffs, have confirmed that Liberty University took action across multiple levels of its hierarchy to punish women who reported sexual violence.

56. As noted above, some women were discouraged from making reports because, they were explicitly told, they would be subject to discipline for violating the Liberty Way.

57. Some women who participated in the Title IX process or called the Liberty University Police were subjected to humiliating 'investigations' that applied a negative-

consent standard (i.e. a woman was presumed to have consented to sex unless she could prove that she had resisted her assault.)

58. Other women were actually fined and assessed “points” under the Liberty Way.

59. These experiences predictably became public, and discouraged future victims from reporting their assaults.

JANE DOE 1

60. Jane Doe 1 is an adult individual who was, in 2013, an employee of Liberty University.

61. On or about October 15, 2013, Jane Doe 1 suffered an allergic reaction and advised her supervisor, Keith Anderson, a Liberty University employee and high managerial officer, of the same.

62. Anderson announced his intent to come to Jane Doe 1’s home and provide her medication. Doe 1 refused the offer.

63. In spite of her refusal, Anderson arrived at Jane Doe 1’s home at approximately 2:00am, in spite of the fact that Doe 1 had never shared her address with him.

64. Doe 1 demanded that Anderson leave, but he refused to do so unless she took the medication he brought with him – a single, unmarked and unwrapped tablet. In an attempt to get Anderson to leave, Doe 1 complied.

65. In spite of his promise, Anderson continued to refuse to leave in spite of repeated demands, purportedly to ensure that Doe 1 got to bed safely.

66. Shortly thereafter, Doe 1 became woozy, and passed out on her sofa. She woke up some time later with Anderson's hands on her neck, whereupon she again demanded that he leave, and threatened to scream to alert the neighbors and call the police. Anderson finally left.

67. The next day, Anderson again showed up at Doe 1's apartment, this time offering Doe 1 a gift of food. He denied that he had touched her neck or any other part of her during the prior night, but asked to be permitted to rub medicated cream on Doe 1's body.

68. Doe 1 initially refused Anderson's demands but, in an attempt to get him to leave, Doe 1 eventually complied with his request, and allowed him to apply medicated cream to her back. While doing so Anderson forcefully kissed her, on the lips, against her will.

69. Doe 1 rejected the kiss and physically forced Anderson away from her, whereupon he became threatening.

70. Anderson threatened to have Doe 1, who was at the time a foreign national working on an H-1B visa, deported if she shared the events of the last two days.

71. In the coming weeks, Anderson undertook a targeted campaign against Doe 1 at work.

- a. While alone together he cornered her and told her 'you don't know what I can do to you.'
- b. Anderson spread a rumor that Doe 1 suffered from mental illness and therefore lacked credibility.

- c. Anderson demanded that Doe 1 share with him every communication she had with other colleagues in an attempt to prevent her from sharing the events of the prior nights.
- d. Anderson followed Doe 1 around campus.

72. In February of 2014, co-workers realized the severity of the situation and approached Doe 1 regarding their concerns. Doe 1 confessed the assault to them, and Anderson's subsequent intimidation and misconduct.

73. The co-workers encouraged Doe 1 to report her experience to Liberty University's HR department, which she did do.

74. Liberty University's HR Department failed to prevent Anderson from continuing his campaign against Doe 1, who he continued to stalk and defame on campus.

75. While interviewing Doe 1, Liberty University's HR Department made clear that it viewed Anderson as wholly credible because he was a 'man of god' and Doe 1 as incredible because she was attempting to 'smear a man of god.'

76. Doe 1 felt sufficiently unsafe that she moved from her old apartment and purchased a new car to avoid Anderson's continued stalking.

77. In May of 2014, Liberty University's HR Department advised Doe 1 that it had completed its investigation. Having spoken with witnesses, however, Doe 1 believed at the time and alleges on information and belief that Liberty University's HR Department had failed to interview or otherwise contact any of her witnesses. Liberty University's HR Department advised Doe 1 that it had accepted Anderson's denial and would take no further action in the matter.

78. Apparently for unrelated reasons, Anderson was moved to another department in the University, he nevertheless continued to harass and demean Doe 1.

79. Doe 1 was also frozen in place and not offered opportunities for advancement, and instead saw her co-workers and junior colleagues promoted past her. She was terminated approximately a year after her report to HR.

80. Doe 1 was never advised of the availability of Title IX support for her assault.

81. Although Doe 1 made an actual report to Liberty University, Liberty University never investigated her report under Title IX.

JANE DOE 2

82. Jane Doe 2 is an adult individual who, in 2005, was a student at Liberty University.

83. In February of 2005, Doe 2 was the victim of a stalker she met off-campus. She reported the stalking to the University.

84. The University responded to the incident by giving written notice to the stalker that he was not permitted on campus, but did not allow Doe 2 to relocate from her dorm mid-semester or change the location of her on-campus job.

85. After notice was served, Doe 2 was assaulted by three men outside of a tunnel connecting the two sides of campus. At the time, she had been walking from her student-job to her dorm, both of which were known to her stalker.

86. Specifically, Doe 2 was struck in the head with a length of wood, and three men, one of whom she believes to have been her stalker, tore off her clothes and gang raped her.

87. Doe 2 reported the assault to Liberty University Police and various members of Liberty University's administration. Liberty University did not, however, undertake a Title IX investigation.

88. Rather than requesting a Title IX investigation – which she was not aware was her right – Doe 2 asked that the University take steps to make the tunnel safer, e.g. by installing lights, cameras, and a call-box. She also requested counseling from a therapist that was off-campus and not affiliated with the school.

89. Liberty University refused Doe 2's request to make changes to the tunnel, which it described as very safe and not a likely place for crimes to occur. When Doe 2 raised her concerns with Liberty University's Executive Vice President, Ron Godwin, she was told that Liberty University was the safest University on the East Coast and that if she didn't like that she could leave.

90. She was eventually referred by the school to an off-campus counselor, who asked her leading questions that suggested that she was at fault for her rape.

91. She learned later that the 'counselor' she had been referred to was Carol Godwin, Ron Godwin's wife.

92. Doe 2 eventually left Liberty University to complete her education elsewhere.

93. In September of 2020, after Doe 2 left Liberty University, she had a meeting with Jonathan Falwell. She was promised during the meeting that Liberty University was conducting an “independent investigation” into misconduct that had occurred at the University, and he encouraged her to “submit her case” after which she would have “a seat at the table.”

94. Doe 2 filed a complaint through the channels suggested by Falwell.

95. In spite of its promise, however, Liberty University failed to follow up and contact Doe 2 regarding any such investigation.

JANE DOE 3

96. Jane Doe 3 is an adult individual who, in 2017, was a student at Liberty University.

97. On or about October 29, 2017, starting around 8:00pm, Doe 3 attended a party with an older student athlete who she believed to be a friend.

98. Although she denies consuming excessive amounts of alcohol, Doe 3 recalls that she was so intoxicated as to be substantially immobile by 10:00pm, and thereafter blacked out.

99. Doe 3 recalls snatches of the night thereafter, including a time when the ‘friend’ who had brought her to the party was on top of her.

100. When Doe 3 awoke the next morning, she was in an apartment that belonged to her assailant’s friend. She wrapped herself in a blanket and began wandering the house looking for help. She found her ‘friend,’ who grabbed her, forced her onto the bed, digitally penetrated her, removed her bra and grasped her breasts and neck so

forcefully as to leave bruises, and forced her into penetrative sex, all without her consent and over her objection.

101. Doe 3 attempted to report the assault to Liberty University's Title IX Department, but was told by her RA that if she did she would suffer penalties for drinking under the Liberty Way.

102. Doe 3 made the report anyway and, as predicted, was forced to undergo "spiritual guidance."

103. Liberty University's Title IX investigation, inexplicably, continued from October of 2017 through May of 2018. Doe 3 was invited to participate by reviewing the Title IX investigative file once every few weeks.

104. During the investigation, Doe 3 reported that she believed she had been drinking more than she actually recalls, in part because she struggled to believe at the time that she had been the victim of a date-rape drug.

105. Doe 3 eventually noticed that the photographs of bruising she had provided had been removed from the Title IX investigative file.

106. Liberty University advised that because the photographs were too "explicit" they would not be considered. Doe 3 asked that the photographs be re-included in the file, and Liberty University never thereafter gave her access to the file.

107. Liberty University, apparently having discarded the most relevant evidence of force, sided with the male athlete over Doe 3 and dismissed her case. Liberty University thereafter denied Doe 3's appeal.

108. Doe 3 moved off campus and took most of her classes on-line in order to avoid her attacker, who continued at the school and began a campaign of harassing her, culminating in a frivolous lawsuit against her.

109. Doe 3 attempted suicide on December 8, 2017, leaving a note blaming her assailant.

110. In March/April of 2020, Doe 3 dropped out of Liberty University.

JANE DOE 4

111. Jane Doe 4 is an adult individual who, in 2017, was a student at Liberty University.

112. Doe 4 was bullied and intimidated into physical intimacies with a member of Liberty University's Hockey Team, but was adamant with him that she would not consent to having sex with him.

113. In the fall of 2016, in spite of Doe 4's clear refusal, the Hockey Team member forced her into sex in the back of his car.

114. After the rape, Doe 4 texted her assailant that she had not consented, and that she 'hadn't wanted that to happen.' The assailant responded that 'he knew that, and next time she should just slap him in the face.'

115. Liberty University undertook a Title IX investigation and, as a component of that investigation, issued a stay-away order between the two students.

116. Doe 4's assailant then undertook a campaign of intimidation against her by deliberately violating the stay-away order, particularly at Doe 4's work.

117. When her assailant violated the stay-away order for the first time at her work, Doe 4 asked her manager to approach her assailant and ask him to leave in compliance with the stay-away order.

118. Liberty University's Title IX Department thereafter contacted Doe 4 to inform her that, by asking a third-party to have contact with her assailant, *even to advise him he was in violation of the stay-away order*, she was herself in violation of the order. The Title IX department threatened punishment if she repeated the (bogus) violation.

119. As a result, when her assailant returned to Doe 4's place of work, she called Liberty University's Police Department and advised *them* that her assailant was in violation of the order. They came and escorted Doe 4's assailant from the establishment.

120. Liberty University's Title IX Department *again* contacted Doe 4 to inform her that she was *again* in violation of the stay away order: although Title IX conceded that it could not prevent her from calling the police when she felt intimidated by another student, she was not permitted to call the police for violations of the stay away order.

121. As a result, Doe 4 was unable to rely on the stay away order and, instead, repeatedly was forced to call the police and advise them that she merely felt 'intimidated' by her assailant while he deliberately violated the stay-away order.

122. Doe 4 eventually obtained a restraining order from the local court, whereupon her assailant finally stopped appearing at her work.

123. In spite of the text messages and the assailant's behavior, the University concluded that the sex between the two students had been consensual, apparently because Doe 4 had consented to quasi-sexual activity with her assailant in the past.

124. Liberty University announced at Doe 4's appeal hearing that it would not consider the text messages between Doe 4 and her assailant in reaching its conclusion, and subsequently denied Doe 4's appeal.

125. Following the University's decision, Doe 4 reported her rape to the Lynchburg Police Department, which advised her that, because it had occurred on Liberty University's campus, she was required to make the report to the Liberty University Police. She did, and the Liberty University Police encouraged her to drop her claim altogether.

126. Doe 4's assailant then opened a Title IX claim against *her*, ostensibly for making a false allegation against him.

127. During the period that retaliatory claim was open, Doe 4 entered into an initially platonic friendship with a man who led her to believe that he was a member of the Lynchburg Police Department.

128. The platonic relationship progressed and Doe 4 slept with the police officer. After she did, the officer confessed that he was not a member of the Lynchburg Police Department, but was instead a member of the Liberty University Police Department, that he had responded to her prior calls regarding her assailant, and that he might become involved in the investigation of the retaliation allegations. He also confessed that he was married to another woman.

129. Doe 4 thereafter became suicidal, and called an RA for suicide prevention assistance. She was transported to the Lynchburg Emergency Department where she was kept overnight.

130. Doe 4 finally graduated from Liberty University in 2019.

JANE DOE 5

131. Jane Doe 5 is an adult individual who, in 2016-17, was a residential student at Liberty University.

132. During her period at Liberty University, Jane Doe 5 had consensual sexual activity with her boyfriend and became pregnant.

133. Doe 5 self-reported her pregnancy to her prayer-group leader.

134. Doe 5's prayer-group leader informed the University's administration.

135. Doe 5's pregnancy was not treated by the University as a self-report. Instead, she was brought into the office of a University Dean and was told that she was being evicted from campus and expelled as a direct result of her pregnancy. She was told she had twenty-four hours to gather her things and move out.

136. During the conversation where she was informed of her expulsion, Doe 5 was told that the University had no specific policy regarding pregnancies. She was instead told that she was merely a liability to the University as a bad example to other students. As a result of this, the University, acting through its employees, offered her the opportunity to remain if she agreed to marry the father of the child.

137. Doe 5 called the father of the child, who appeared at the office with an engagement ring and requested permission to take Doe 5 on a romantic hike to propose.

138. The University refused, and demanded that Doe 5 and the father agree to be married immediately or threatened to withdraw her from the University. Doe 5 and the father eventually consented.

139. The University assisted Doe 5 and the father in obtaining a marriage license, and had a staff-member solemnize the marriage.

140. Doe 5 was thereafter permitted to continue as a student, but not to live on campus.

141. The University never identified a policy that permitted her to remain as a student but not live on campus as a result of her pregnancy.

142. The University never identified a policy that required Doe 5's expulsion where she self-reported a pregnancy.

143. The University never identified a policy that permitted a student otherwise subject to expulsion to continue at the University only if married *after* she became pregnant.

144. After Doe 5 gave birth, the University did not permit her to breastfeed or pump on campus.

145. As a result, Doe 5 was forced to leave campus, drive to her home off-campus (she was still not permitted to live on campus) breastfeed or pump, and then return.

146. At the time, the University allowed its employees to breastfeed on campus, and maintained secure lactation rooms for that purpose.

147. The University never identified a policy that precluded students from breastfeeding or pumping on campus.

148. The University never identified a policy that precluded *married* students from breastfeeding or pumping on campus.

149. Doe 5 continued to demand to be allowed to breastfeed or pump on campus for a period of six months before the University finally relented and allowed her access to its secure lactation rooms.

JANE DOE 6

150. Jane Doe 6 is an adult individual who, in 2013, was a residential student at Liberty University.

151. When Doe 6 matriculated at Liberty University she self-identified as a lesbian but was not 'out' to anyone at the University.

152. Doe 6 was met with overt and systematic hostility toward homosexuality.

153. By way of example and not limitation: during one class, a professor polled the class as to whether the students believed homosexuals would go to hell. When a handful of students denied that homosexuals would go to hell, the professor corrected them and insisted that there was no question about that matter, that all homosexuals would certainly go to hell.

154. During a mandatory convocation meeting, a speaker retained by the University gave a speech on the subject of repentance and listed a set of sins that the students needed to repent for or face damnation. When he listed homosexuality, Doe 6 began to cry.

155. Doe 6 was then taken aside by a University RA, to whom she came out for the first time during her time at the University. The RA repeated the speaker's claim, and told her that she "still had time" to repent and become straight.

156. Doe 6 understood that homosexuality was explicitly contrary to Liberty University's acceptable student conduct and, solely as a result of the University's pressure, she made the decision to 'repent' of her homosexuality as instructed and attempted to adopt a heterosexual lifestyle.

157. Doe 6 also attempted to follow Liberty University's explicit teachings that, as a woman in a heterosexual relationship, she was obligated to follow the guidance and leadership of her male partner.

158. To that end, Doe 6 began dating a male Liberty University alumnus.

159. Maybe not surprisingly, Doe 6 was not interested in a physical relationship with her male partner; during the course of their relationship he overcame her reluctance on several occasions by serving her alcohol.

160. On or about early December of 2013, Doe 6's boyfriend invited her to his house, where he served her two glasses of wine. Immediately after drinking the second glass of wine, Doe 6 became substantially immobile from what was apparently a date-rape drug.

161. Doe 6's male partner then climbed on top of her. She attempted to prevent him from having sex with her by biting him. She recalls his yelling, and then passed out.

162. Doe 6 awoke three hours later in her partner's car. She begged to be taken to a hospital, but he declined and, instead, dropped her off at her dorm.

163. Doe 6 alerted others in the dorm that she needed medical care and she was eventually transported to a hospital.

164. While at the hospital Doe 6 learned for the first time that she was missing the underwear and bra she had been wearing before she was drugged.

165. After she was released from the hospital, Liberty University advised Doe 6 that she would be offered 'counseling' from the University and scheduled an appointment for her.

166. Doe 6 understood that the 'counseling' was intended to be an opportunity for her to discuss her rape. Instead, she was confronted by Liberty for drinking and fined \$500. She was told her transcript would not be released unless and until she paid the \$500.

167. Because Doe 6 had no or substantially no Title IX training from the University, she was not aware that there was a separate process where she could report her rape; she understood that the University's fine *was* its response to her rape.

168. Doe 6 completed the quarter and then transferred to a different school.

JANE DOE 7

169. Jane Doe 7 is an adult individual who, in the fall of 2014 was a residential student at Liberty University.

170. Jane Doe 7 had a platonic relationship with a male friend.

171. Doe 7 visited her male friend at his home, off-campus, to watch a movie and, during the course of the movie, while of legal drinking age had a single glass of wine.

172. Doe 7's male friend fell asleep during the movie, and Doe 7 began to leave.

173. While on the way out, Doe 7 was accosted by her friend's roommate, who was at the time a student at Liberty University Medical School. The roommate kissed her neck, pulled her into his room, and 'swooped' her pants off.

174. During this period Doe 7 was physically resisting her assailant and verbally telling him no.

175. Doe 7's assailant physically forced her legs apart in spite of her active physical and verbal resistance and had sex with her. Afterward he passed out.

176. Doe 7 went to the bathroom and discovered semen in her vagina. Not having been educated by the University, she had no understanding of the opportunity to undergo a rape kit.

177. Doe 7 was a member of the Office of Student Conduct's appeals board for, *inter alia*, Title IX cases, and had first-hand knowledge of the University's treatment of the victims of sexual assault.

178. Specifically as a result of that knowledge, she made no report to the University.

JANE DOE 8

179. Jane Doe 8 is an adult individual who, from November 2008-through-October 2011, was an employee of Liberty University in its student conduct office.

180. While she was an employee, Jane Doe 8 was subject to pervasive and systematic sexual harassment by her supervisor, Keith Anderson, in the form of sexually explicit comments directed toward her and to student workers and other supervisors.

181. The University, in the person of at minimum Doe 8's direct supervisor, had actual knowledge of the harassment at the time it happened, and later the conduct was reported to HR and to student workers.

182. The University took no action in support of Doe 8's complaint and, instead, communicated Doe 8's complaint and identity to Anderson.

183. Anderson then retaliated against Doe 8 by, on the one hand, increasing his campaign of inappropriate and sexual comments, and on the other hand by telling others that he was 'staying away from her' because she 'thought' he said something inappropriate.

184. Doe 8 left Liberty University in October of 2011 as a result of the bullying campaign by Anderson, although at the time she pretended that her departure was solely the result of her pregnancy and new motherhood in order to avoid exacerbating the issues created by Anderson.

185. In April of 2012, Doe 8 contacted Laura Wallace, Jerry Falwell, Jr., Neil Askew, and Jonathan Falwell regarding the harassment that she had suffered while an employee.

186. She received no response from any of them.

JANE DOE 9

187. Jane Doe 9 is an adult individual who attended Liberty University from 2014 through 2019, and was both a residential and on-line student at Liberty University.

188. When Doe 9 first came to Liberty University, she was required to attend a "hall meeting" where students filled out surveys on various topics, and were given a

lecture on Liberty University's culture by University RAs. The RA's went into detail regarding the restrictions of the Liberty Way and the consequences of violating the Liberty Way, but failed to advise Doe 9 or the other students of any amnesty in the event of sexual violence or other sex-based discrimination.

189. While Doe 9 was a student at Liberty University, she began a consensual romantic relationship with another student there. Her boyfriend proposed, and they became engaged to be married.

190. Doe 9's relationship then took a dark turn. Her fiancé began abusing her, both emotionally and physically.

191. At first the abuse took the form of pushes and shoves, but it eventually escalated to hitting. On one occasion, Doe 9's fiancé locked her into a gas station bathroom and attacked and strangled her.

192. The toll of the relationship directly affected Doe 9's education. Her GPA fell from a strong A/B average to barely passing.

193. Doe 9 was aware that the University might have resources to assist her, but believed that her fiancé was 'above-the-law' while a Student at Liberty University.

194. Specifically, her fiancé had previously lived and worked in Washington, DC, and had social connections with Liberty University administrators that made him appear 'untouchable' by the University's disciplinary apparatus.

195. On one occasion, Doe 9's fiancé was invited to a party at a high-level administrator's home, where the administrator drank heavily, became drunk, and encouraged the students to drink. Doe 9 did not, but her fiancé did. The administrator

then made sexually explicit remarks, including regarding his wife's breast enhancement surgery, and his wife made disparaging remarks to the students regarding the Falwells.

196. All of this conduct violated the Liberty Way, but was plainly tolerated, authorized, and condoned by the University, in the form of its high administrative officers, which, in conjunction with what she had heard from others regarding Liberty's conduct of investigations into sex discrimination, led Doe 9 to believe that a formal report to the University would be useless, or might in fact result in retaliation against her.

197. In January of 2009, after Doe 9 and her fiancé had broken up, she sought counseling. Although she was assigned a counselor by Liberty University, that person never advised Doe 9 of the availability of Title IX assistance. Instead, Doe 9's assigned counselor urged her to "move on" and "leave it alone."

198. Certain of Doe 9's professors questioned her change in performance, and she confessed the root cause, which was the domestic violence she was suffering at the hands of her fiancé.

199. The professors told Doe 9 that they would take her report to the University's Title IX office, because of their obligations as responsible employees and indeed did do so. Doe 9 expected that the University would undertake an investigation and, until recently, believed that the University might do so.

200. In fact, the University has never contacted Doe 9, undertaken an investigation, or otherwise taken action based on the report.

JANE DOE 10

201. Jane Doe 10 is an adult individual who attended Liberty University starting in the fall of 2013.

202. While a student at Liberty, Jane Doe 10 began rooming with a pair of siblings, who were also students at Liberty University.

203. The two siblings introduced Doe 10 to a family friend and student at Liberty University who they encouraged her to date. They were themselves the daughters of a pastor with connections to Liberty University, and presented the prospective boyfriend as a pious individual who would be safe for Doe 10 to date.

204. Doe 10 did begin dating the male student, who quickly began sexually assaulting her.

205. The misconduct began with small refusals to honor Doe 10's wishes, like when her 'boyfriend' would come into her room with the door closed in violation of the Liberty Way. Later he began putting his hands on her legs and sliding them under her shorts, even when Doe 10 would ask him not to, or physically try to push him away. Eventually the assaults progressed to digital penetration even while Doe 10 was physically trying to stop him.

206. As the relationship progressed, Doe 10's boyfriend compelled her to perform manual or oral sex on him with threats that he would injure her if she refused to do so, that he would injure himself, or that he would report her to the student conduct office for the sexual conduct they had already engaged in, **directly taking advantage of the weaponization of the Liberty Way.**

207. During the summer of 2014, while at a hotel in Arkansas for a mutual friends' wedding, Doe 10's boyfriend raped her.

208. After Doe 10's rape, her roommates – who had recommended that she date her rapist – reported Doe 10 to the Student Conduct Office. Although Doe 10 attempted to make clear that she was the victim of a rape, Liberty University's Student Conduct Office gave her no opportunity to do so and, instead, forced her to sit with her rapist and apologize to her roommates for her violation of the Liberty Way.

209. Afterward, Doe 10 sought counseling from Liberty, but the Title IX office never became involved in investigating her assaults and rape.

210. Doe 10 attempted to make reports on her own, but her calls were not returned by Liberty University's Student Conduct Office. What's more, following her graduation, Doe 10 shared the details of her assault with a friend, who shared the fact of the assault with Rebecca Falwell.

211. Thereafter, the friend made a direct report to Liberty University's Student Conduct Office, and Doe 10 made similar reports to the University.

212. To date, the University has never taken action with respect to Doe 10's assault and rape.

JANE DOE 11

213. Jane Doe 11 is an adult individual who attended Liberty University during the 2018-19 school year.

214. Doe 11 did not receive consent training from Liberty University or otherwise receive training regarding her rights under Title IX.

215. While a student at Liberty University, Doe 11 began a consensual romantic relationship with a male student who she believes and therefore alleges attended the University with some form of scholarship for wrestling.

216. During the relationship, Doe 11 engaged in consensual sexual activity with the male student that violated the Liberty Way.

217. On one occasion, however, Doe 11 declined the wrestler's advances, and he raped her.

218. Doe 11 declined to report her assault to Liberty University out of fears that her prior consensual romantic conduct would be the subject of penalties by Liberty University. She did, however, break up with the wrestler.

219. The wrestler responded to the breakup by stalking Doe 11, following her around campus, and parking next to her to intimidate her. He subjected her to an escalating pattern of verbal assaults and threats, until he finally made a threat on her life.

220. Doe 11 called the police following the threat, and reported the wrestler – for the threat only – to the Office of Student Conduct.

221. Liberty University began a Title IX investigation as a result of the report and was initially proactive and caring. When the wrestler retained counsel, however, the University ceased offering any support to Doe 11.

222. The University issued a stay-away directive as a part of its investigation, but failed to enforce it, and the stalking continued. As a result, Doe 11 filed criminal charges against the wrestler – again, solely for the threat – and a local court issued an enforceable restraining order, which the wrestler nevertheless occasionally violated.

223. The University never offered Doe 11 counseling, escorts, dorm or class-schedule changes, or otherwise supported her during the Title IX investigation.

224. The investigation continued into 2020, and Doe 11's harassment continued during the same period.

225. The University finally entered into a consent agreement with the wrestler whereby he was banned from campus during the remainder of Doe 11's time at the school.

226. On information and belief, the wrestler will be permitted to return in 2022.

JANE DOE 12

227. Jane Doe 12 is an adult individual who attended a summer camp offered by Liberty University while a minor.

228. Doe 12 did not receive consent training from Liberty University or otherwise receive training regarding her rights under Title IX.

229. While a minor, Doe 12 attended a summer debate camp hosted by Liberty University in June/July of 2000.

230. One the bases for her family's selection of the debate camp was the facts that (a) student dorms were separated by gender; (b) dorms were monitored by a 'dorm-mother' twenty-four hours a day; and (c) Liberty University was understood by her and her family to be a safe and Christian environment.

231. As part of her attendance, Doe 12 was required to sign a modified version of the Liberty Way.

232. Shortly before a scheduled debate, Doe 12 realized that she had forgotten her notes in the dorm, and returned to her room.

233. While in the hall, Doe 12 met a softspoken man who identified himself, as either LJ, RJ, or RC (Doe was uncertain at the time.) She later became aware that this man was Jesse Matthew.

234. Matthew alleged that he had made a date with another of the girls participating in the debate camp but told Doe 12 that she would "do." He then grabbed her and carried her into a bathroom.

235. During this period, Doe 12 screamed for help, but the 'dorm-mother' was not actually present in the building.

236. Matthew put Doe 12 down in a shower. She broke free from Matthew's grip, and made it to an atrium before she was caught again.

237. Matthew threw Doe 12 into a large cushioned chair. Before he was able to grab her again, she interposed her feet between him and her, and held him off while he groped her legs and breasts.

238. Matthew then attempted to strangle Doe 12, and she bit his hand and arm.

239. Matthew finally relented, apologized, asked Doe 12 not to call the police, and fled.

240. Doe 12 immediately attempted to call 9-1-1 from a campus phone, but was unable to do so because she was shaking so badly. She sought help from a friend, and was thereafter able to summon the LUPD.

241. The police apprehended Matthew and conducted a show-up at which Doe 12 confirmed that he was her assailant.

242. The responding officer, who identified him as the Chief of the LUPD, then required Doe 12 to travel in the same car as her assailant to the police station over her express objection.

243. The LUPD then began an hours-long interrogation of Doe 12.

244. During the interrogation, the police required her to write two separate written statements, and then accused her of fabricating her story when minor details between the two were not identical.

245. During this time, at least one officer asked Matthews for an autograph, remarking that it would be worth a lot of money someday.

246. The officers reported to her that Matthew had denied any contact with her. When she reminded them that the single-gender dorm had a camera that would show his entrance and exit, the police changed their story and alleged that Matthew in fact admitted to contact with her, but claimed the contact was consensual.

247. Doe 12 told the police that the contact could not have been consensual, that she was certain she still had Matthew's DNA under her nails from fighting him off. The police told her they were sure she did—no doubt from scratching his back during consensual sex.

248. The police also told Doe 12 that she could be expelled from the camp because she was wearing pants in an academic building, which was at the time a violation of the Liberty Way. Her pants were, they suggested, the reason why she had been

approached for sex. Doe reminded them, however, that the modified version of the Liberty Way she was asked to sign did not include the same dress code requirements as for college students.

249. The police then threatened her that if she did not withdraw her claim, she would be charged criminally with filing a false report. She declined to withdraw her claim, and demanded that she be provided with counsel free of charge as a component of what had become a custodial interrogation. No such counsel was provided to her.

250. Doe 12 was held for a period of eight hours without food or drink.

251. Doe 12 was not assessed by a child psychiatrist.

252. The police then began an 'investigation' into her claim, which seemed to solely consist of a demand that she strip and submit to being photographed by the chief of police.

253. Doe 12 refused, and suggested that such an investigation should be undertaken by a doctor or nurse, and that such a professional could also take samples from her nails. The police refused to transport Doe 12 to the hospital and, instead, continued to badger her until she agreed to allow herself to be photographed naked by a female debate coach.

254. The photographs were comprehensive, including a photograph in which Doe 12 was forced to lean over a desk and spread her butt cheeks for the camera.

255. At the time, Doe 12 was 15-years-old.

256. Doe 12's mother and sole guardian was never contacted regarding the photographs and did not consent to such photographs.

257. Doe 12 was finally released by the police and permitted to get food at a campus facility named "David's Place." Prior to leaving, the police required that she thoroughly wash her hands to destroy any DNA evidence and present her nails for inspection.

258. The same evening and the next day, Doe 12 told her story to friends, several of whom acknowledged that they had been approached for sex by a man similar to Doe 12's description of Matthews, but had not reported the solicitation because of concerns that they would be expelled because their clothing had been too revealing.

259. Doe 12 reported these facts to the Liberty University Police, but her friends told her that they were never interviewed.

260. At approximately midnight, after the dorm residents had already showered before bed, Doe 12's dorm was awakened by LUPD officers who forced each of the women to leave their rooms, ostensibly so that the police could "take fingerprints" from the bathroom where Doe 12 was carried by Matthew.

261. There is no conceivable reason for the police to take naked photographs of a minor following an assault, particularly of areas where there was no bruising or other evidence of injury, as was done in this case, and also without first securing the consent of her guardian.

262. In 2020, Giancarlo Granda made public allegations regarding Jerry Falwell, Jr.'s predilection for sexually suggestive photographs of students, leading Doe 12 to fear that the inappropriate photographs of her were trafficked by the police to Falwell and/or others.

263. As a result of those fears, Doe 12 has sought counseling.

264. If Doe 12 is correct in her concerns, it is implausible that the photographs were trafficked in any way other than electronically.

265. Matthew was later accused of rape by another Liberty University student, and eventually pleaded guilty to two murders. He was sentenced to four life sentences without possibility of parole or geriatric release.

266. Although the University had her telephone number, it never called Doe 12 to advise her that other of Matthew's subsequent victims had been identified.

***COUNT I: PRE-ASSAULT DELIBERATE INDIFFERENCE/HOSTILE ENVIRONMENT
(Does 1-4 & 6-12 v. Liberty University)***

267. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

268. Liberty University had actual knowledge prior to each of the above-described assaults that its policies and procedures, as written and implemented, were enabling on-campus rapes.

269. Indeed, it is alleged on information and belief that Liberty University had a deliberate policy, set forth above, to suppress complaints of sexual assault, rape, and other types of sexual harassment, and support accused campus predators.

WHEREFORE, based on the foregoing, the above-described Plaintiffs respectfully request that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with fees and costs pursuant to the fee-shifting provisions of Title IX, as well as pre-and-post judgment interest.

COUNT II: POST-ASSAULT DELIBERATE INDIFFERENCE
(Does 1-4 & 8-12 v. Liberty University)

270. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

271. Following each of the assaults described above, high-ranking members of the University's management and Title IX program became aware of the facts underlying the Plaintiffs' injuries.

272. In spite of that knowledge, the University either failed to take any action, or actively worked against the Plaintiffs by destroying evidence of their assaults and issuing sanctions against them.

WHEREFORE, based on the foregoing, the above-described Plaintiffs respectfully request that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with fees and costs pursuant to the fee-shifting provisions of Title IX, as well as pre-and-post judgment interest.

COUNT III: HOSTILE ENVIRONMENT
(Does 1-12 v. Liberty University)

273. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

274. The Liberty Way and its weaponization by Liberty University, as well as Liberty University's well-documented pattern of discrimination against women victims and in favor of male assailants, created an atmosphere on campus that was permeated with discriminatory intimidation, ridicule and insult that was sufficiently severe or

pervasive to alter the conditions of the education and create a sexually hostile environment for each of the Doe Plaintiffs.

WHEREFORE, based on the foregoing, the above-described Plaintiffs respectfully request that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with fees and costs pursuant to the fee-shifting provisions of Title IX, as well as pre-and-post judgment interest.

COUNT IV: RETALIATION
(Does 1-6 8-12 v. Liberty University)

275. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

276. Liberty University had actual knowledge of or should have known of the discrimination on the basis of sex set forth with respect to each of the above-named Doe Plaintiffs.

277. The University's response to each of the above-named Doe Plaintiffs was so hostile as to compound their injuries, and in several cases resulted in the Doe Plaintiffs leaving the school altogether.

278. This constitutes retaliation under Title IX.

WHEREFORE, based on the foregoing, the above-described Plaintiffs respectfully request that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with fees and costs pursuant to the fee-shifting provisions of Title IX, as well as pre-and-post judgment interest.

COUNT V: PREGNANT AND PARENTING DELIBERATE INDIFFERENCE/HOSTILE ENVIRONMENT

(Doe 5 v. Liberty University)

279. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

280. Liberty University had actual knowledge that it did not have written policies and procedures on how to address pregnant and parenting students, and therefore deliberately created hostile environments for those pregnant or parenting from receiving a safeguarded education free from sex discrimination consistent with due process principles.

WHEREFORE, based on the foregoing, the above-described Plaintiff respectfully requests that this Court award JUDGMENT in her favor and against Liberty University in an amount to be determined at trial, together with fees and costs pursuant to the fee-shifting provisions of Title IX, as well as pre-and-post judgment interest.

COUNT VI: NEGLIGENCE (NON-TITLE IX)
(Does 1-4, 6-8, & 10-12 v. Liberty University)

281. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

282. In each case in which a Doe Plaintiff was the victim of sexual violence, the University recklessly, wantonly, and carelessly made the individual Plaintiffs' injuries more likely to occur and harder to prosecute because of the dangerous environment it created for students.

283. The University is therefore directly liable to the Doe Plaintiffs in negligence for its *pro rata* role in causing their harms.

284. The University's negligence was sufficiently reckless, wanton, and gross as to warrant the imposition of punitive damages.

WHEREFORE, based on the foregoing, the above-named Plaintiffs respectfully request that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with such additional amounts as this Court deems just.

*COUNT VII: 18 U.S.C. § 2255
(Does 12 v. Liberty University)*

285. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

286. As set forth above, Doe 12 was photographed by the Liberty University Police, without a SANE nurse or other forensic professional present, while in a state of undress, including explicit positions, in spite of the fact that many of the photographs were of areas of her body that were not bruised or otherwise susceptible of showing evidence of a crime.

287. At LUPD's direction and consent, the photographs were taken by a debate coach, not a member of law enforcement, and then (presumably) transmitted to LUPD.

288. The procedure in this case—photographing a naked minor in multiple poses, without her guardian's foreknowledge or consent, in a police station and without forensic examination, and using an unqualified debate coach to take the pictures—fails to conform to any reasonable standard of police procedure.

289. It is believed and therefore alleged that these photographs were taken purely to shame, harass, and deter Doe 12 from advancing her claims against Matthew and Liberty University, and/or for the prurient interest of the police department and possibly others, and not to advance any meaningful criminal investigation.

290. In further support of this allegation, to the best of Doe 12's knowledge, no charges were ever brought against Matthew as a result of her report.

291. In light of recent revelations regarding photographs kept by the University's then-president, Jerry Falwell, Jr., Doe 12 has reason to believe that the photographs of her, naked, as a minor, were trafficked in interstate commerce.

292. Doe 12 learned of this for the first time in 2020.


JURY DEMAND

293. Pursuant to Fed.R.Civ.P. 38(b), Plaintiffs demand a jury on all issues so triable.

WHEREFORE, based on the foregoing, the above-named Plaintiff respectfully requests that this Court award JUDGMENT in their favor and against Liberty University in an amount to be determined at trial, together with attorneys' fees and such additional amounts as this Court deems just.

Respectfully submitted:

Date: *July 19, 2021*


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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes categories like Personal Injury, Labor, and Property Rights.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: _____.

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain No

I certify the accuracy of all information provided above.

Signature: _____

The Liberty Way



Division of Student Affairs
Liberty University

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MY SCHOOL

Welcome to Liberty University! Since 1971, our mission as a university has been to provide a world-class educational experience with a solid Christian foundation to equip men and women with the values, knowledge, and skills essential for success in every aspect of life. With our unique heritage and expanding influence, Liberty is dedicated to preparing you to succeed in your chosen profession and service to others as a true Champion for Christ.

Jesus Himself summarized all the laws of the Old Testament in the Great Commandment. He said that we are to love God with all of our heart, soul, and mind and to love our neighbors as ourselves. The goal of [The Liberty Way](#) (Student Honor Code) is to encourage and instruct our students how to love God through a life of service to others. The way we treat others in our community is a direct reflection of our love for God.

Liberty's community guidelines come in various forms. Some are local, state, or federal laws that must be obeyed by all. Some are based on Biblical mandates or principles that lead us to develop virtues characteristic of a Champion for Christ. Others are just preferences that promote deference to one another while living in the community. However, all are important for creating the kind of university community, we seek to provide.

To this end, the Honor Code sets forth the procedures that apply when misconduct by a student is alleged to have occurred. Students are charged with notice of and are bound by this Honor Code and all students agree to comply with its terms.

Attendance at Liberty University is a privilege and, as a private educational institution, Liberty is free to control the admission and attendance of students. While this Honor Code has evolved over time, it has served our community well by articulating expectations of students and providing guidelines for life in a Christian educational community. This is our university and this is our Honor Code.

MY ROLE

Students are responsible to know and comply with the terms of [The Liberty Way](#) (Student Honor Code). Students also are responsible to report all circumstances, which they believe constitute a major violation of the Honor Code to the [Office of Community Life](#). Intentional breach of this responsibility will be considered a violation of the Honor Code. Every student should give testimony or evidence relevant to any alleged violation of the Honor Code, if requested.

Every student is asked to respect Liberty's Statement of Doctrine and Purpose and should avoid any activity, on or off campus, which would contradict the university's mission or purpose, compromise the testimony or reputation of the university, or disrupt Liberty's Christian learning environment. All members of the Liberty University community are asked to affirm the following:

"We, the students, faculty and staff of Liberty University, have a responsibility to uphold the moral and ethical standards of this institution and personally confront those who do not."

ACADEMIC MISCONDUCT

Academic misconduct is considered conduct that undermines the academic integrity of Liberty University and includes, but is not limited to, academic dishonesty, plagiarism, and falsification.

Academic Dishonesty

During examinations, academic dishonesty includes, but is not limited to:

- Referring to information not specifically condoned by the instructor
- Receiving information from a fellow student
- Stealing, buying, receiving, selling or transmitting any portion of an examination

Outside of examinations, academic dishonesty includes, but is not limited to:

- Allowing another student to copy any portion of one's own work
- Using unauthorized aid of any kind
- Stealing, buying, receiving, selling or transmitting coursework of any kind

Plagiarism

Plagiarism on papers, projects or any assignment prepared for a class includes, but is not limited to:

- Omitting quotation marks or other conventional markings around material quoted from any printed source
- Paraphrasing or quoting a specific passage from a specific source without properly referencing the source
- Replicating another person's work, in whole or in part, and submitting it as an original work
- Submitting work previously used to fulfill academic requirements for any course at any institution at any level, including Liberty University, without written permission from both faculty members
- Purchasing material of any kind and representing it as one's own work

Falsification

Falsification of a school document includes, but is not limited to:

- Unauthorized signing of another person's name to an official form or document
- Unauthorized modification, copying, or production of a university document or any document to mislead the reader
- Dishonestly answering or providing information in the application process
- Failure to fully and truthfully disclose criminal history when required to do so
- Citing a source that does not exist
- Falsely attributing ideas or information to a cited source that does not contain that material
- Including a source in a bibliography when the source was neither cited in the body of the paper nor consulted
- Inventing or intentionally distorting data or statistical result
- Communicating false information to a faculty member in connection with an academic matter
- Any student who knowingly assists in any form of academic misconduct will be considered as equally responsible as the student who accepts such assistance.

Reporting Process for Academic Misconduct

The reporting procedure is as follows:

- The instructor (or staff member, if applicable) will confront the student within one week of the discovery of the infraction
- The instructor will write a report outlining the violation, the inquiry conducted, the recommended sanction(s) and the overall rationale
- The report will be provided to the student
- The sanction must include the student receiving a grade of "F" for the course

NOTE: The student will be allowed to appeal (See Appeal Process Below).

- The report will be sent to the department chairperson
- A copy of the report will be sent to the Division of Student Affairs at which time the appropriate Community Life Associate Director will work with the faculty member to determine the penalty for each infraction

Appeal Process for Academic Misconduct

When a student has been reported for academic dishonesty involving sanctions and the student feels he or she is being unjustly accused or is being treated unfairly, he or she may choose to appeal the decision and recommendation of the faculty member. That appeal process is as follows:

- The student must submit a written appeal to the department chairperson within ten business days of receiving the instructor's report. The appeal should clearly state the reason(s) why the student believes that he or she did not violate the Student Honor Code, as well as the reason(s) why the sanction(s) imposed was inappropriate. Additionally, the student should state what sanctions he or she concludes would be appropriate.
- The chairperson will review the instructor's report and the student's written appeal, may consult with the instructor and/or student, then will notify the instructor and the student of his or her decision. In determining whether a violation has occurred, decision makers will apply a "clear and convincing" evidence standard. For determining all other matters, all decision makers will apply a "greater weight" of the evidence standard.
- If the student is not satisfied with the department chairperson's decision and desires to appeal it, he or she must submit a written appeal to the dean of the school or college (i.e., School of Business, College of Arts and Sciences, etc.) within one calendar week of receiving the chairperson's decision. The dean of the school will review the student's second appeal, as well as the faculty member's report and the student's initial appeal. When a decision has been reached, the dean will notify the department chairperson, the faculty member, and the student.
- If the student is not satisfied with the dean's decision and desires to appeal it, he or she has one calendar week from receiving the dean's decision to request a hearing before the Senate Committee on Academic and Admissions Standards. The dean will contact the registrar, who will arrange the hearing. The committee will meet with the student, review all reports, appeals and facts, and make a recommendation to the Vice President for Academic Affairs (VPAA). The VPAA will make a final decision after considering the committee's recommendation and will notify the student of that decision.
- The VPAA's decision is the final step in the appeal process. Should any appeal result in a ruling of "no violation," a report indicating such will be forwarded to all appropriate parties to expunge the student's permanent academic record, as well as remove any academic holds or academic restrictions. A decision of "no violation" will be considered final and cannot be appealed by an instructor or staff member.

Computing Ethics

Many students will use LU's computing resources through classes that require such use or through on-campus employment. Liberty University stringently obeys copyright laws and license agreements that govern computer software. No student should ever make copies of university-owned computer software.

Liberty University has established a Code of Computing Ethics and an Academic Computing Policy. If you use the computing resources of the university, you are responsible for adhering to these policies. If the instructor or the campus employer authorizing your access to the computer resources of the university does not give you a copy, it is your responsibility to ask for one.

Violation of these standards will make a student subject to student disciplinary action by Liberty University and may lead to denial of future computing privileges. For violation of laws and license agreements, a student may also be subject to other private or public legal action under applicable Virginia or federal laws and regulations. If the violation of such laws and license agreement results in financial loss to Liberty University, damages and costs assessed to the university can in turn be assessed to the student who violated the laws/agreements.

Unprofessional, Unethical, and Dangerous Behavior

Liberty University has a professional and ethical responsibility to evaluate students based on their ability to successfully carry out the tasks associated with their degree and/or required licensure (if applicable). As such, the faculty of Liberty University will not approve program completion for students who demonstrate behaviors that may interfere with future professional competence and Liberty University reserves the right to require a plan of remediation if any of the following apply:

- The student demonstrates unprofessional or unethical conduct while acting as a representative of Liberty University, or in interactions with Liberty University faculty or staff.
- The university determines that the student's current emotional, mental or physical well-being compromise the integrity of the degree or licensure, or potentially place others in harm's way or an unduly vulnerable position.

Such action constitutes unprofessional, unethical, and/or dangerous behavior and is a violation of the Student Honor Code. In any of these cases, a remediation plan will be formulated in conjunction with the appropriate dean or associate dean, the student and the Office of Community Life. The purpose of the remediation plan is to assist students in correcting any deficits in his or her ability to successfully complete the requirements of his or her degree and/or required licensure so that the student may successfully complete the program. Remediation procedures can include actions such as repeating particular courses, obtaining personal counseling, completing additional assignments, or in extreme cases, academic suspension, or dismissal from Liberty University.

GENERAL CONDUCT

Life outside the classroom take up a significant amount of a student's time and the university expects students to take responsibility for their behavior and choices. When those choices violate The Liberty Way (Student Honor Code), the university has a responsibility to administer discipline with love and mercy.

Substance Use

Liberty University prohibits the possession, use, manufacture, or distribution of alcoholic beverages, tobacco, nicotine and illegal drugs or controlled substances by its students, whether this occurs on or off campus. This includes the use or possession of prescription medications not prescribed to the student and the abuse of prescribed medication. Violations of this prohibition may result in disciplinary action, including administrative withdrawal. In addition, the possession, use, manufacture and/or distribution of illegal substances is a crime and Liberty University will cooperate with law enforcement authorities who are charged with enforcing the law.

Education

Liberty University recognizes that substance abuse is a serious problem nationally and the education of students and employees on dangers inherent in substance abuse is an important aspect in addressing the problem. The university will incorporate educational information through academic courses, Convocation, community resources, and utilization of campus mental and health-care professionals.

Counseling and Referral

Liberty University students who are at risk of drug or alcohol abuse have access to counseling through Liberty's Student Counseling Services and its programs, including a local chapter of Celebrate Recovery. Student Counseling Services may also refer students to other health-care agencies or counselors as needed. Any cost incurred or insurance claims filed for outside services are the responsibility of the student.

Drug Testing Program

For the protection of its students and community, the university conducts an on-going program of mandatory random drug testing. Students agree to the following:

- To participate in and cooperate with the university's drug-testing program, which permits the testing of any student (hair, urine or blood as specified by the one administering the test), irrespective of the method by which that student was selected (randomly or based on suspected use or possession).

NOTE: Students who test positive for drug use will be responsible for covering the cost of the drug test.

- Failure to cooperate with the university's drug testing program will itself result in disciplinary action.
- Failure to achieve a negative drug test (i.e., the absence of illegal drugs) will result in disciplinary action against a student. Such action may include administrative withdrawal from the university.
- Possession and use of illegal drugs may also require notification of law enforcement authorities.
- Any person administering a drug test may communicate the student's drug test results to the Office of Community Life, or other offices within the university, for possible disciplinary action. Such communication will not constitute a breach of any confidentiality.
- To waive all claims one might have against Liberty University or its employees as to any threatened or actual damage to reputation, privacy, mental/emotional condition resulting from the administration of the drug tests, the processing of the drug tests or the enforcement of the university's disciplinary or academic penalties.

- To waive all legal claims of any nature, such as those claims one might have against Liberty University or its employees, arising out of drug testing.
- Any disciplinary action against a student could also involve academic penalties, including the possibility of loss of credit for work completed during the semester in which the disciplinary action is taken.
- Any possible refund of monies paid will be subject to the refund policy as stated in the Liberty University catalog.
- Admission to and enrollment at Liberty University does not exempt a student from the university's disciplinary and academic penalties, even though a drug problem may have been revealed to the university prior to, at the time of, or after enrollment.

Harassment & Discrimination

Liberty University is committed to providing students and employees with an environment free of harassment. Any person or group who commits acts of harassment or discrimination based upon race, ethnicity, gender, or disability, on or off campus, will be subject to disciplinary action, which could result in dismissal from the university. Any act of harassment (i.e., physical, psychological, verbal or sexual) that is threatening, is considered a serious offense and will not be tolerated.

Sexual Harassment, Discrimination, and Assault

Liberty University is committed to providing students and employees with an environment free from all forms of sex-based discrimination, which can include acts of sexual violence, sexual misconduct, and disrespect for one another. Non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking are all prohibited at Liberty University. All members of the Liberty community are expected to treat everyone with a spirit of Christian love, mutual respect, and individual dignity.

The university provides educational and spiritual programming to promote our commitment to biblical principles of abstinence and purity. Our programming also promotes the awareness of any type of sexual discrimination prohibited by Title IX of the Education Amendments of 1972 and Title VII of the 1964 Civil Rights Act.

Sex-based misconduct offenses include, but are not limited to:

- Sexual harassment; sexual exploitation
- Non-consensual sexual contact (or attempts to commit same)
- Non-consensual sexual intercourse (or attempts to commit same)

Other misconduct offenses, when based on sex or gender, include, but are not limited to:

- Bullying
- Domestic violence
- Dating violence
- Stalking

Reporting and Process

Any student who believes that he or she has been the subject of sexual harassment, discrimination, or assault in any form should immediately report the incident to Liberty University's Title IX Office and/or to Liberty University Police Department (LUPD). Students who would like assistance in contacting local authorities may request such help from campus authorities.

For confidential reporting options, please contact:

- [Student Counseling Services](mailto:studentcounselingservices@liberty.edu): 434-582-2651 (studentcounselingservices@liberty.edu)
- Sexual Assault Response Program (SARP): 434-947-7273
- [LU Shepherds Office](mailto:lushepherd@liberty.edu) (case-by-case): 434-592-5411 (lushepherd@liberty.edu)
- Student Health & Wellness Services: 434-200-6370

All responsible employees are required to report incidents of sexual harassment, discrimination or assault to the Title IX Office, unless designated as a confidential reporting option. The university will provide prompt, compassionate, and discreet support to victims. When a student contacts the Title IX Office, he or she will be given the opportunity to make a formal complaint with the [Title IX Office](#). The office will take immediate steps to inquire or investigate a complaint, stop the occurrence of the harassment/violence, protect and prevent reoccurrence, provide support and resources to those affected or involved, and ensure the safety of the campus/community. Interim measures and reasonable accommodations are available to affected parties. Reporting parties will review a Notification Checklist to ensure that the reporting parties are aware of resources and appropriate accommodations.

Regardless of the location of the incident, all reports will be investigated. Any reporting party may request confidentiality; however, Requests for confidentiality are considered by the [Title IX Office](#) on a case-by-case basis and the decision to approve or deny is based on student/community safety concerns. Pursuant to Virginia Code § 23-9.2:15, in a situation involving sexual violence, a student's request for confidentiality will be granted at the discretion of the Threat Assessment Team.

In order to encourage reports of conduct prohibited under this policy, an alleged victim or cooperating witness that may have been involved in a Code of Honor violation who makes a voluntary report or gives evidence to the Title IX Office related to a Title IX investigation, will be treated similarly to a Self-Report for Honor Code purposes. For example, if an alleged victim or cooperating witness reports a Title IX violation or gives truthful testimony in support of a Title IX investigation and that report or testimony implicates a student as having been involved with another Code of Honor violation (e.g. alcohol, immorality), the cooperating witness will not be sanctioned for that conduct. Under this provision, a cooperating witness may be asked to participate in development opportunities or educational services.

Liberty University strongly encourages that all forms of sexual harassment, discrimination, or assault be reported. If the student is not sure whether an incident qualifies as a violation of the [Policy on Sexual Harassment, Discrimination, or Assault](#), he or she should contact one of the Title IX coordinators from the list below:

Brittney Wardlaw
Director of Title IX
University Title IX Office
(434) 582-8948
titleix@liberty.edu

Russell Monroe
Deputy Title IX Coordinator
Graduate & Online Community Life
(434) 592-6488
onlinecommunitylife@liberty.edu

David Miller
Deputy Title IX Coordinator
School of Law
(434) 592-3396
damiller1@liberty.edu

Dr. Ray Morrison
Deputy Title IX Coordinator
School of Osteopathic Medicine
(434) 592-7386
rlmorrison1@liberty.edu

Steve Foster
Deputy Title IX Coordinator
Human Resources
(434) 592-3345
smfoster@liberty.edu

Additionally, any student, faculty, or staff may contact the Liberty University Police Department or local police department for emergencies, questions, or concerns regarding an incident of sexual harassment, discrimination, or assault.

- LUPD Emergency (434) 592-3911
- LUPD Non-emergency (434) 592-7641

Consequences

Any act of sexual harassment, discrimination, assault or any other sex-based misconduct that interferes with the student-learning environment (as determined by the [Office of Community Life](#) and the [Title IX Office](#)), is a serious offense, and will not be tolerated. Any Liberty University student who violates this policy will be subject to disciplinary action, which may result in dismissal for a minimum of two semesters. In addition, any student who is dismissed from the university will be restricted from campus.

In addition, since the university takes such charges seriously, where the results of an investigation reveal a complaint of racial discrimination or harassment to be frivolous or groundless, the individual having made such a complaint may be subject to disciplinary action. Refer to the university's [Title IX Office](#) webpage at www.liberty.edu/titleix to view the complete Sexual Discrimination, Harassment, and Assault Policy.

Racial Harassment & Discrimination

Liberty University insists that all members of the university community are entitled to and shall be afforded an environment free of racism—whether overt or subtle. Therefore, members of the university community will not tolerate racial discrimination or harassment of any kind.

Behavior that constitutes racial discrimination or harassment is prohibited by Title VII of the 1964 Civil Rights Act and is a violation of the Student Honor Code. This includes, but is not limited to, racial/ethnic slurs, coarse jesting with racial/ethnic overtones and other forms of communication resulting in disparagement or intimidation based on race or ethnicity.

Reporting and Process

- Report any incident of racial harassment or discrimination to the [Office of Community Life](#) or the [Center for Multicultural Enrichment](#).
- The [Office of Community Life](#) will review the racial discrimination/harassment policy with the complainant.
- Complainant will complete and submit an official Statement for Record.
- Complainant must decide whether to pursue a formal complaint, which may result in disciplinary action.
- The Conduct Review Committee will examine the results of the investigation and determine the best course of action.
- The [Office of Community Life](#) will conduct a final interview with complainant.

Consequences

Any Liberty University student who engages in racial discrimination or harassment is subject to disciplinary action, along with possible fines, and community service and/or possible administrative withdrawal. In addition, since the university takes such charges seriously, where the results of an investigation reveal a complaint of racial discrimination or harassment to be frivolous or groundless, the individual having made such a complaint may be subject to disciplinary action.

Dress Guidelines

While the university recognizes that opinions vary considerably regarding appropriate dress, the university has established simple guidelines, which students are required to follow while on campus. Cleanliness, neatness, appropriateness, and modesty are the general guiding factors with regard to dress.

Resident Assistants (RAs), Resident Directors (RDs), [Community Life](#) Associate Directors (ADs), as well as other university staff, will enforce dress guidelines and educate all students regarding these guidelines. Questions concerning the standard of dress should be addressed to the [Office of Community Life](#), which may make the final determination as to appropriateness.

Men's Dress for Students

Hairstyles and fashion should avoid extremes. Students must dress modestly and appropriately at all times. Facial jewelry is prohibited.

- **Class Dress** is required in academic and administrative buildings before 4:30 pm on weekdays and in all classes, regardless of time. Class dress consists of shoes, long pants, and shirts. Hats or hoods should not be worn in class or Convocation.
- **Casual Dress** is acceptable in academic and administrative buildings after 4:30 pm on weekdays and in the [Reber/Thomas Dining Hall](#) for all meals. Casual dress consists of class dress or loose-fitting, modest shorts, warm ups and shoes. Swimming pool attire should be modest.

Women's Dress for Students

Hairstyles and fashion should avoid extremes. Students must dress modestly and appropriately at all times.

- **Class Dress** is required in academic and administrative buildings before 4:30 pm on weekdays and in all classes, regardless of time. Class dress consists of shoes and neat clothing, skirts/dresses (no shorter than two inches above the knee), pants (including capri/cropped pants), and jeans. Shorts are not permitted for class.
- **Casual Dress** is acceptable in academic and administrative buildings after 4:30 pm on weekdays and in the [Reber/Thomas Dining Hall](#) for all meals. Casual dress consists of class dress and/or loose-fitting modest shorts, warm ups, and shoes. Earrings and plugs may be worn in ears and small studs may be worn in the nose. No other facial piercings or plugs are allowed, including tongue. Swimming pool attire on campus should consist of a modest one-piece suit.

NOTE: Individual schools, i.e. School of Business, etc., may implement a more rigorous standard of dress for students enrolled in their school. Liberty University online students are asked to follow these guidelines only while present on university property.

Entertainment Guidelines

Liberty University maintains a conservative standard in its approach to the arts and entertainment; therefore, the following guidelines for practical guidance purposes for students on campus have been implemented:

- Media or entertainment that is offensive to Liberty's standards and traditions (i.e., lewd lyrics, anti-Christian message, sexual content, nudity, pornography, etc.) is not permitted.
- Resident Directors or Community Life Associate Directors (ADs) are available to give guidance and clarify areas of confusion. No student will be penalized for a first offense of non-clarified issues.

- While industry ratings systems for movies, games, and other media generally are not reliable standards, they can be helpful in identifying content. Movie content rated “X” and “NC-17” and video game content rated “A” are not permitted.
- Caution should be used in viewing movie content rated “R” and “PG-13” and video game content rated “M”.
- Personal entertainment should not disrupt the academic atmosphere of the residence hall. Noise of any kind (including music and television) in a resident room is considered too loud if it can be heard in the hallway.
- The [Division of Student Affairs](#) will continue to develop guidelines and principles related to all forms of entertainment. Activities outside of these standards and guidelines are violations of the Student Honor Code.

Sexuality & Relationships

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 outside of these standards and guidelines are violations of the Student Honor Code.

Personal & Community Respect

Respect is an attitude and behavior that should be afforded to all members of the university community through proper acknowledgement of their personal and professional position. Students are asked to observe academic courtesy with regard to all titles (Dr., Dean, Mr., Mrs., or Miss). Students should not use first names when speaking to or about faculty or staff members. Students are expected to exercise proper decorum in the classroom. Men must remove headwear in classrooms and academic buildings.

At Liberty University, we believe in the inherent value and dignity of all men and women as God has created them. We are committed to treating everyone who visits our campus, in athletic competition or otherwise, with respect, and we actively encourage our male and female students, faculty and staff, and athletes to love others as Christ loves them. Proper respect should be shown from one student to another at all times. Derogatory comments of a sexual, religious, or racial nature will not be tolerated. Students are expected to treat all members of the university community and guests in a spirit of Christian love, mutual respect, and individual dignity.

Participation in hazing is prohibited. Hazing is defined as any act committed against someone in any organization that is humiliating, intimidating, or demeaning, and/or endangers the health and safety of the person, regardless of the willingness to participate, and includes active and passive participation in such activities.

Living as part of the university community is a privilege. All members of the university community are expected to respect the rights of and give deference to others. Conduct that disrupts the community living and educational environment is not permitted.

Discipline Process

Liberty University’s discipline process is designed to help maintain an environment that supports the spiritual development and academic success of students. The process is intended to be redemptive, restorative, and carried out with love and grace.

Restorative Practices

Restorative Practices offer a multifaceted approach to situations where conflict or disciplinary issues occur by promoting holistic and healing processes that encourage students to live peaceably in community with one another. Restorative practices include all those impacted by the behavior-responsible parties, harmed parties, and/or community members, and focus on repairing the damage, as well as preventing future harms. Restorative Practices is comprised of a spectrum of services including Conflict Coaching, Mediation, and Restorative Conferences, and are facilitated through the Office of Community Life.

- Conflict Coaching is a means through which students experiencing conflict in the residence halls can use student leadership as a resource for support in addressing and resolving low-level conflicts and disputes.
- Mediation is a form of conflict resolution, which allows students to work through difficult situations or disagreements with the assistance of a trained facilitator, who serves as a neutral third party.
- Restorative Conferences are an alternative process of discipline for students that focus on helping students learn from mistakes and repair harm caused to others by the violations committed. Restorative Conferences involve a number of individuals, in addition to responsible parties, including victims and community members, who work collaboratively to find effective ways to repair harms, restore trust, and prevent further violations from occurring. While principles of restoration are utilized at every level of discipline, Restorative Conferences are best used for discipline issues that carry the consequence of 18-30 points.

NOTE: Sexual assault offenses are not addressed through a Restorative Conference.

Point, Fine and Community Service System

For situations not addressed through Restorative Practices, a point, fine and community service system is used to address discipline-related issues. The purpose of the sanctions is not to punish, but to reinforce the principles of the Student Honor Code. Sanctions are considered according to the guidelines listed below:

1 Point

- Late to Convocation (1 additional point for each additional 15 minutes late)
- Late for curfew (1 additional point for each additional 30 minutes late)

4 Points (+ \$10.00 Fine)

- Absence from or disturbances in a required meeting (Convocation, etc.)
- Disturbance/non-participation during Convocation
- Dress code violation
- Failure to respond to a Student Affairs official call slip within 48 hours
- Inappropriate personal contact
- Improper sign-out
- Curfew violation

Appeals for one-to-four point offenses must be submitted in writing to the respective Resident Director (RD) within 48 hours of notification. Commuter students may appeal to the student court within 48 hours of notification.

6 Points (+ \$25.00 Fine)

- Possession and/or use of tobacco
- Use of e-cigarettes/vaping on campus
- Gambling
- Attendance at a dance
- Minor violation of the Statement on Personal & Community Respect (e.g. direct disobedience; disrespect to faculty, staff, or fellow student; noise disturbance on the hall; conduct that disrupts community or damages property; minor usage of profane language)

Appeals for **6-point offenses** must be submitted in writing to the respective RD or the student court within 48 hours of notification.

12 Points (+ \$50.00 Fine)

- Deception
- Minor violation of the Statement on Sexuality & Relationships (e.g. inappropriate personal contact; visiting alone with the opposite sex at an off-campus residence; entering the residence hallway, quad, or on-campus apartment of the opposite sex or allowing the same; visiting any dwelling or residence with a member of the opposite sex in inappropriate circumstances)

Appeals for **12-point offenses** must be submitted in writing to the respective RD or the student court within 48 hours of notification. The RD or student court will uphold, dismiss, or adjust the sanction. The decision of the RD or student court will be final.

18 Points (+ \$250 Fine & 18 Hours Disciplinary Community Service)

- Academic misconduct, including dishonesty, plagiarism, or falsification
- Commission or conviction of a misdemeanor
- Falsification of information on an official document (including sign-out sheet)
- Failure to properly identify oneself
- Intentional participation in a social gathering where alcohol is served (e.g. party, bar, or nightclub) or illegal drugs are used
- Obscene, profane or abusive language or behavior
- Violation of the Entertainment Guidelines (may be considered a 12-18 point violation)
- Sexual misconduct and/or any state of undress with member of opposite sex
- Threat to do bodily harm
- Hazing or violation of the Statement on Personal & Community Respect, creating a disruption to community
- Vandalism (plus financial restitution)

Appeals for **18-point offenses** must be submitted in writing to the Associate Dean for Community Life or student court within 48 hours of notification. A decision will be rendered in writing regarding the appeal and the decision will be final.

30 Points (+ \$500.00 Fine, 30 Hours Disciplinary Community Service, & Possible Administrative Withdrawal)

NOTE: For each accumulation of six or more points after 30, an additional \$150 fine will be assessed.

- Commission/conviction of any felony
- Violation of the [Policy on Sexual Harassment, Discrimination, and Assault](#) (up to 30 points plus possible fines, community service, and/or administrative withdrawal -- minimum two semesters out -- and transcript notation as required by Virginia law)
- Violation of the [Policy on Racial Harassment & Discrimination](#) (up to 30 points plus possible fines, community service and/or administrative withdrawal)
- Violation of the [Statement on Sexuality & Relationship](#), including immorality or spending the night with a member of the opposite sex
- Life-threatening behavior or language (possible immediate removal/exclusion from campus and a minimum of two semesters out)
- Hazing or violation of the [Statement on Personal & Community Respect](#), whereby personal harm is caused
- Non-participation in classes or extended absence from university community without notice
- Disruption to university community or violation of the [Statement on Personal & Community Respect](#)
- Non-compliance with directives of any university representative or Behavioral Plan
- Drug possession, use/distribution, or association with individuals possessing or using illegal drugs (possible minimum two semesters out)
- Possession or consumption of alcoholic beverages
- Refusal to submit to an Alco-Sensor test and/or drug test as directed by a university representative
- Procuring/financing/facilitating/obtaining an abortion
- Stealing or possession of stolen property (plus financial restitution; possible minimum two semesters out)
- Unauthorized possession/use of weapons
- Violation of the university concealed carry policy

Appeals for 30-point offenses (non-dismissal) must be submitted in writing to the student court or the [Dean of Students](#) at deanofstudents@liberty.edu within 48 hours of notification of sanction.

NOTE: As the semester ends, there may not be time for the student to complete his or her DCS. In that case, fines will be issued in lieu of DCS as follows: 18 hours = \$100 fine; 30 hours = \$150. Any student who violates disciplinary probation may not be allowed to return for the following semester.

Vacation/Breaks

Major Liberty University regulations and policies are in effect at all times, including semester breaks, and summer (weekends, fall, Christmas, spring, etc.). All students residing on and off campus are expected to abide by the standards of conduct outlined in the Student Honor Code until enrollment is broken, the student graduates, or the student is dismissed from the university.

What happens if a student receives sanctions?

Any student, who is reported for 18 or 30-point violations of the Student Honor Code, will meet with the appropriate [Community Life](#) Associate Director (AD) for a personal conference. The AD will present the alleged violation(s) to the student, and the student will be given an opportunity to present his or her position concerning the allegation(s). The AD, and possibly another Student Affairs staff member, will conduct an investigation of the alleged violation(s). If the allegations are determined to be true, the process is as follows:

- For most 18-point violations, the AD will schedule a follow up meeting with the student to notify them of the investigation outcome, applicable sanctions, and appeal process. The Resident Director may handle some 18-point violations.
- For most 30-point violations, the Conduct Review Committee (CRC) will consider the facts and relevant information concerning the violation(s), including the student's prior disciplinary record, before voting on imposing the sanction(s). Once a decision has been reached, the student will be notified of the investigation outcome, applicable sanctions, and appeal process. Some 30-point violations may be handled by the AD.

NOTE: During the investigative process, the student should continue attending classes.

What is a campus restriction?

In the event that the matter under investigation is deemed by the Office of Community Life to pose a potential safety risk to the campus community, the alleged offender may be required to live off campus for the duration of the investigation, or until such a time as deemed fit by the Office of Community Life. The Office of Community Life may consult with the Dean of Students and/or the Liberty University Police Department in these matters. If required to submit to a campus restriction, the alleged offender will be responsible for the cost of temporary off campus housing.

Appeals for General Misconduct (Non-Academic)

At various points in the disciplinary process, opportunities for student appeals are provided, as outlined in the Student Honor Code point system below:

- Deadlines must be observed
- Written appeals are always required. The appeal should clearly state:
 - Reason(s) why the student believes that he or she did not violate the Honor Code
 - Reason(s) why the sanction(s) imposed were inappropriate
 - What sanctions he or she concludes would be appropriate
- Decision makers on an appeal may consider all submissions of the staff and the student from each stage in the proceeding
- Decisions are final at different stages as specified in the Honor Code point system, depending on the severity of the offense
For appeals resulting in a ruling of "no violation," appropriate notification and documentation in the student's record will occur, as necessary, as well as removal of any holds or restrictions
- There is no option to appeal a final decision

NOTE: A decision of "no violation" will be considered final and cannot be appealed by a staff member. Title IX cases may be appealed by either an alleged offender or alleged victim.

Disciplinary Probation

Disciplinary probation is a means by which the university can closely monitor a student's success when there has been a semester of discipline-related difficulties. Disciplinary probation includes any required accountability by the Office of Community Life. A student may be placed on disciplinary probation if one of the following occurs:

- Accumulation of 22+ points during any semester of attendance
- Student has been dismissed from school for the previous semester in attendance

A written notice will be recorded in the student's conduct file. Any student who accumulates 34+ points in one semester, while on disciplinary probation will be considered in violation of probation and may not be allowed to return for a period of one semester. Any single student placed on disciplinary probation may be required to live on campus for the semester of the disciplinary probation. Any student on disciplinary probation may not run for or hold an office in the Student Government Association.

NOTE: Points are accumulated and tabulated on a per-semester basis.

Retention/Non-Return

Enrollment at Liberty University does not guarantee continuous enrollment until graduation. Any student who accumulates 34+ points for two consecutive semesters may be asked not to return to school the following semester. In addition, any student who commits a 30-point offense may be dismissed or not be allowed to return the following semester. A student will not be permitted to participate in intensives or summer school during the non-return period.

Retention/non-return decisions must be appealed in writing to the Senior Vice President for Student Affairs (SVPSA) or designee. The SVPSA or designee will render a decision regarding the appeal and the decision will be final. The student's cumulative discipline record may be reviewed as part of this process.

Administrative Withdrawal

What happens if the Conduct Review Committee votes for administrative withdrawal?

If the Conduct Review Committee (CRC) decision is for administrative withdrawal, an Associate Director for Community Life will communicate the decision of administrative withdrawal directly to the student. The student has 24 hours after receiving notification of a decision of administrative withdrawal to appeal.

What happens if a student decides to accept the decision of the Conduct Review Committee?

If the student waives the appeal of a CRC decision, the student will be asked to sign a "Waiver of Appeal" and will then follow the procedures required to process an administrative withdrawal. The student typically will have 48 hours from signing the waiver to leave the university.

What happens if a student decides to appeal the decision of the Conduct Review Committee?

To appeal a decision of administrative withdrawal to a Judicial Review Board (JRB), the student must notify the Community Life Associate Director within 24 hours after receiving notification of the CRC decision of the intent to appeal. ***Failure to meet the 24-hour deadline an appeal to a JRB will result in an automatic administrative withdrawal.*** In the event an appeal is made to the JRB near the end of a semester, the SVSPA reserves the right to decide the appeal in place of the JRB.

NOTE: During the appeal process, the student should continue attending classes. Depending upon the nature of the violation and other circumstances, the SVPSA or designee has the option of suspending a student from classes and/or removal from campus while awaiting the appeal.

- If the JRB upholds the administrative withdrawal, the student typically will need to move out of the residence hall within 48 hours of the final decision. All academic work is lost for the semester except classes that have been completed before the time of the decision. The student may be asked to leave sooner if considered he or she is a disruption to the campus community.
- Once administratively withdrawn, the student will not be permitted to visit the campus until student status has been reinstated.

- Reapplication is subject to administrative review after a six-month period of absence from the university.
- In the case of an administrative withdrawal for the commission of a felony (i.e., assault, drug and/or stealing offense), readmission will be considered after a minimum one-year absence from the university. Readmission is also subject to administrative review and approval.

Judicial Review Board

The Judicial Review Board (JRB) will be comprised of three faculty members approved by the Provost and two students representing the Student Government Association, which are approved by the SVPSA. The SVPSA, or designee, will chair the JRB. A JRB for a case of a violation of the [Statement on Sexual Harassment, Discrimination, and Assault](#) will be comprised solely of three or more faculty members. The chairperson is a non-voting member of the JRB. The [Office of Community Life](#) will provide the JRB a summary of the incident, along with a background report on the student's behavioral record, and will present the facts to the JRB.

- The JRB may examine the circumstances and details of the incident
- The JRB may, but is not required to, hear testimony, review evidence and call any witnesses deemed necessary

The JRB will determine whether there was sufficient evidence to constitute a violation of the Student Honor Code and whether the imposed discipline is fair and consistent with stated policies.

The JRB's decision is determined by majority vote. The JRB will vote to either uphold or overturn the previous decisions. In the case of an overturn, the JRB may recommend alternative discipline to the SVPSA or designee, which may be more or less severe. The SVPSA or designee will make the final determination for any alternate discipline. If the JRB decides to uphold the administrative withdrawal decision, the JRB may also recommend additional requirements for return or that consideration be given for early return. The appeal to the JRB is the last step in the appeal process and the JRB's decision is final, except where the JRB recommends alternative discipline and then the SVPSA's, or designee, subsequent decision is final.

An appeal to a JRB involving an alleged violation of the [Policy on Sexual Harassment, Discrimination, and Assault](#) is governed by a specific set of guidelines established by the university's Title IX Office.

NOTE: Parents may be notified of a student's disciplinary probation, assignment of disciplinary community service, retention, or administrative withdrawal and a copy of the aforementioned action will be placed in the student's disciplinary record.

Reapplication/Readmission

A student who is administratively withdrawn or not allowed to return may submit a written request for readmission to the Dean of Students at deanofstudents@liberty.edu. Before a return will be considered, the student should provide a thorough account of the actions that led to his or her dismissal or non-return and his or her strategy for successful continuance at the university. Additionally, a letter of recommendation from a pastor, counselor, or civic leader, along with a letter of recommendation from the student's parent(s) or guardian should be submitted. Readmission to the university will be subject to any stipulations made by the Dean of Students in consultation with the [Office of Community Life](#). This process does not guarantee readmission. If readmission is granted, the appropriate Associate Director of Community Life will notify the student and the Office of Admissions.

Complaint Reporting

All complaints regarding the Student Honor Code may be emailed to the [Dean of Students Office](#) at deanofstudents@liberty.edu. The complainant will be encouraged to complete an official “Statement of Record” detailing the information relevant to his or her complaint in the Dean of Students Office. The Dean of Students or Senior Vice President for Student Affairs and/or a designated representative will review the complaint.

SELF-REPORTING

Students are encouraged to self-report when they have knowingly committed a violation of the Student Honor Code. When this is done, the university will provide discreet counsel and support to the student. This policy is intended for students seeking to acknowledge wrongdoing and make corrections.

A student has the option of self-reporting to any Liberty University community member within one week of the offense. It is then the responsibility of the community member to whom the offense was reported to accompany the student to the Dean of Students Office as soon as possible. (If an investigation has begun and there is already prior knowledge of the incident, it may not be considered a self-report.) The [Dean of Students Office](#) will work with the student in setting the necessary boundaries and accountability measures in place to foster an environment for growth. Students may only self-report the same behavior once per semester without sanctions.

The Liberty University community promotes chastity for its unwed students; however, women who become pregnant are included in this self-report policy. The [LU Shepherds Office](#) or [Student Counseling Services](#) is available to assist students through this process.

***NOTE:** Violations of the law (serious misdemeanors or felonies) may carry sanctions up to and including administrative withdrawal even when there is a self-report.*

CONVOCATION

[Convocation](#) is an assembly of the university community and its purpose is to develop campus unity, disseminate information, and challenge students spiritually, socially, morally, and intellectually. Convocation provides forums for the social and political issues of the day, as well as educational topics of diverse interest for the benefit of students, faculty, and staff. Guest speakers from the world of business, politics, education, religion, and the sciences also help to make Convocation a refreshing and challenging time. All students are required to attend Convocation.

LIVING OFF CAMPUS

Qualifications

To qualify for off campus living, students must either be 21 years of age or older by December 31 for the fall semester or May 31 for the spring semester, or be living with a parent or sibling who is over the age of 21.

Conduct

Students who live off campus are expected to abide by the Student Honor Code. Living off campus is a privilege that may be revoked at the discretion of the [Office of Community Life](#). Any unmarried student under the age of 25, who repeatedly violates the Honor Code, may be required to move back on campus immediately or the following semester of attendance.

COMMUNICATION

Liberty student email accounts are the official means of communication for the Liberty University community and students are expected to check their email account on a regular basis. Students are also expected to visit the Liberty University Splash Page regularly for official announcements and information.

STUDENT RECORDS

Family Educational Rights and Privacy Act of 1974 (FERPA)

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, sets forth requirements pertaining to the privacy of student records. FERPA governs the *release* of these records (known as education records) maintained by an educational institution, as well as the *access* to these records. For detailed information on FERPA, visit the webpage for Liberty's [Office of the Registrar](#).

Students may inspect and review his or her disciplinary record by submitting a written request to the [Office of Community Life](#). The university will comply with this request within 45 days after receiving the request and an explanation and interpretation of the records will be provided to the student. When a record contains information pertaining to other students, the student may inspect and review only the information pertaining to student requesting the information.

If a student cannot commute a reasonable distance to inspect and review a record, a copy of the record (as specified by FERPA) will be provided. A fee to cover copying and postage will be assessed. Liberty University reserves the right to deny copies of official student records or transcripts if the student has an unpaid financial obligation to the university or there are unresolved disciplinary actions pertaining to the student.