

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

FILED

AUG 17 2007

AT
STEPHEN R. LUDWIG, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

JEFFREY J. FORD,)
)
Plaintiff)
)
vs.)
)
MICHAEL J. FLANNERY, individually and in)
his official capacity as Department Head for)
the Department of Behavioral Sciences at)
Purdue University Calumet; JOSEPH)
WETCHLER, individually and in his official)
capacity as Professor and Director of the)
Marriage and Family Therapy Program at)
Purdue University Calumet; LORNA)
HECKER, individually and in her official)
capacity as Professor in the Marriage and)
Family Therapy Program at Purdue)
University Calumet; and TERRY S. TREPPER,)
individually and in his official capacity as)
Professor at Purdue University Calumet,)
)
Defendants.)

Case No. **2107CV0267TS**

VERIFIED COMPLAINT

JURY TRIAL REQUESTED

Plaintiff Jeffrey J. Ford, by and through counsel, and for his Complaint against Michael J. Flannery, Joseph Wetchler, Lorna Hecker, and Terry S. Trepper, hereby states as follows:

INTRODUCTION

1. Purdue University Calumet ("PUC" or "University") is one of six (6) institutions of higher education in the Purdue University ("Purdue") system. Purdue University claims to be one of the premier universities in the world. Many men and women pursue academic studies at Purdue to satisfy their own intellectual curiosity and take advantage of its wide ranging programs. These students desire to seek knowledge, wisdom, and truth; to think deeply and critically about the issues of the day; and to serve the public through their own research and scholarship. Mr. Jeffrey J. Ford is one of these individuals, and for these reasons, he enrolled in

the Marriage and Family Therapy Program at Purdue University Calumet. Defendants, however, engaged in a persistent pattern of discrimination against Mr. Ford because of his religious and ideological beliefs and have violated his constitutional rights by punishing him for engaging in constitutionally protected expression of those beliefs. This discrimination began with Mr. Ford's first admissions interviews and continued even after he graduated from the University.

2. Though Mr. Ford enrolled in PUC expecting a rigorous exchange of ideas with faculty members and fellow students, he quickly discovered that dissent was not tolerated. Beginning with his admission interviews, Mr. Ford entered an environment openly hostile to members of his church, the Church of Jesus Christ of Latter Day Saints ("LDS Church"), and to their religiously based moral values. Rather than encouraging vigorous debate and exposing students to a variety of perspectives, Defendants sought to silence Mr. Ford's religiously based views because they differ from the orthodoxy of Defendants, Purdue, and PUC. When Mr. Ford expressed his views in class, Defendants targeted him for re-education. When he expressed his views publicly in a letter to the editor of a local newspaper, they refused to work with him, to supervise him, or even to remain in the same room with him. They threatened to expel him from the Marriage and Family Therapy Program because he exercised his First Amendment rights in a manner that Defendants disliked. Ultimately, they informed him that his religious values and constitutionally protected speech created a "hostile environment for the program, clients, and students." Defendants even refused to write letters of recommendation on his behalf, thus impeding him from pursuing a doctoral degree in his field. In sum, Defendants violated Mr. Ford's First Amendment right to free speech, unlawfully retaliated against him for exercising his First Amendment freedoms, deprived him of his First Amendment freedom to exercise his religion; denied him of equal protection of the laws, and excluded him from full membership in the Purdue University community.

JURISDICTION AND VENUE

3. This civil rights action raises federal questions under the First and Fourteenth Amendments to the United States Constitution and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

4. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

5. This Court has authority to award the requested damages pursuant to 28 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. §§ 2201–02; and costs and attorneys fees under 42 U.S.C. § 1988.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in this district and/or all of the acts described in this Complaint occurred in this district.

PLAINTIFF

7. Plaintiff Jeffrey J. Ford is an alumnus of Purdue University Calumet, from which he graduated in 2006 with a Master's Degree in Child Development and Family Studies with a specialty in Marriage and Family Therapy.

8. Mr. Ford is a member of the Church of Jesus Christ of Latter-day Saints (LDS Church), which he joined in 1986.

9. As a matter of sincerely held religious belief and personal conviction, Mr. Ford subscribes to the doctrines, moral standards, and practices of the LDS Church.

DEFENDANTS

10. Defendant Michael J. Flannery is, and was at all times relevant to this Complaint, the Department Head of the Department of Behavioral Sciences at Purdue University Calumet, a public university organized and operating under the laws of the state of Indiana. He is responsible for overseeing department administration including the policies and procedures

contained herein, and he is sued both in his official and individual capacities.

11. Defendant Joseph Wetchler is, and was at all times relevant to this Complaint, Professor and Director of the Marriage and Family Therapy Program at Purdue University Calumet, a public university organized and operating under the laws of the state of Indiana. His duties include teaching and advising Marriage and Family Therapy students, overseeing the administration of the Marriage and Family Therapy Program, and executing the policies and regulations that govern the University. He is sued both in his official and individual capacities.

12. Defendant Lorna Hecker is, and was at all times relevant to this Complaint, Professor in the Marriage and Family Therapy Program at Purdue University Calumet, a public university organized and operating under the laws of the state of Indiana. Her duties include teaching and advising Marriage and Family Therapy students and the execution of the policies and regulations that govern the University. She is sued both in her official and individual capacities.

13. Defendant Terry S. Trepper serves as a professor at Purdue University Calumet, a public university organized and operating under the laws of the state of Indiana. When Mr. Ford was a student, Defendant Trepper was a professor in the Marriage and Family Therapy Program. His duties included teaching and advising Marriage and Family Therapy students and the execution of the policies and regulations that govern the University. Now he serves as a professor of psychology in the Department of Behavioral Sciences. He is sued both in his official and individual capacities.

FACTUAL BACKGROUND

I. UNIVERSITY POLICIES

A. PURDUE UNIVERSITY AND PURDUE UNIVERSITY CALUMET POLICIES

14. Purdue University (“Purdue”) is a public university organized and existing under

the laws of the State of Indiana to accomplish the following mission:

The mission of Purdue University is to serve the citizens of Indiana, the United States, and the world through **discovery** that expands the realm of knowledge, **learning** through dissemination and preservation of knowledge, and **engagement** through exchange of knowledge.

(boldface in original). A copy of the Purdue mission statement is attached as Exhibit 1 to this Complaint.

15. Purdue University Calumet (“PUC” or “University”) is one of the constituent institutions of Purdue University, and it has a similar mission:

Purdue University Calumet espouses the spirit of the land grant university tradition and is especially dedicated to the service of the people of northwest Indiana within the charter given to Purdue University. Purdue Calumet’s primary mission is threefold:

- To provide its students with a liberal education that will prepare them for life and the professions;
- To provide career-oriented curricula that leads to certificates, associate degrees, baccalaureate degrees and master’s degrees;
- To provide programs that meet the professional, cultural and general education needs of this urban-industrialized region

A copy of the PUC mission statement is attached as Exhibit 2 to this Complaint.

16. According to the Purdue University Statement of Integrity, Purdue recognizes that it can only accomplish its mission by protecting both freedom of expression and academic freedom:

At Purdue, integrity is indispensable to our mission. We act with honesty and adhere to the highest standards of moral and ethical values and principles through our personal and professional behavior. We demonstrate our understanding of these values and principles and uphold them in every action and decision. Trust and trustworthiness go hand in hand with how we conduct ourselves, as we sustain a culture that is based upon ethical conduct. We expect our actions to be consistent with our words, and our words to be consistent with our intentions. We accept our responsibilities, share leadership in a democratic spirit, and subject ourselves to the highest standards of public trust. We hold ourselves accountable for our words and our actions.

We champion freedom of expression. To ensure our integrity, we safeguard

academic freedom, open inquiry, and debate in the best interests of education, enrichment, and our personal and professional development. We embrace human and intellectual diversity and inclusiveness. We uphold the highest standards of fairness, act as responsible citizens, respect equality and the rights of others, and treat all individuals with dignity.

To fulfill our goals as a learning community, we insist that the objectives of student learning are not compromised. We treat all students equitably, and our evaluations of learning achievements are impartial based on demonstrated academic performance. . . .

As members of the Purdue community, we demonstrate unyielding and uncompromised integrity in support of the highest standards of excellence for the University. As individuals, we all contribute to this Purdue standard of integrity as an exemplary model for all universities.

A copy of the Purdue University Statement of Integrity is attached as Exhibit 3 to this Complaint.

17. When PUC summarizes its “Values of Integrity & the Honor Code,” it likewise recognizes the fundamental importance of freedom of expression and academic freedom:

Our commitment to integrity includes championing freedom of expression; safeguarding academic freedom, open inquiry, and debates in the best interests of education, enrichment, and our personal and professional development; respecting human and intellectual diversity and inclusiveness; upholding the highest standards of fairness; and insisting upon good citizenship, with its respect for equality, the rights of others, and the rejection of any and all discrimination not based on the quality of performance and accomplishment.

The dimensions of integrity vary from one constituency to another. In fulfilling our goal as a learning community, we place the objective of student learning above any self-interest. We treat all students equitably, and our evaluations of academic performance are impartial. . . .

A copy of PUC’s “Values of Integrity & the Honor Code” is attached as Exhibit 4 to this Complaint.

18. Both Purdue and PUC seek to protect freedom of expression and academic freedom through their antiharassment policies. Both institutions seek to prevent harassment because they “believe[] that harassment is repugnant and inimical to our most basic values.” As a result, both institutions have declared:

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against harassment in all forms. All

members of the University community must be able to pursue their goals, educational needs, and working lives without intimidation or injury generated by intolerance and harassment. Freedom of thought and expression are the lifeblood of our academic community, and require an atmosphere of mutual respect among diverse persons, groups, and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct.

A copy of the Purdue University Antiharassment Policy is attached as Exhibit 5 to this Complaint. A copy of PUC's identical antiharassment policy is included within its Student Handbook, which is attached as Exhibit 6 to this Complaint. (*See* Compl. Ex. 6 at 025.)

19. In attempting to prohibit all forms of harassment, both Purdue and PUC specifically note that their antiharassment policies do not abridge the First Amendment freedoms of their students and faculty:

The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

(*See* Compl. Ex. 5; Compl. Ex. 6 at 025.)

20. Under these antiharassment policies, both institutions prohibit "harassment in all forms, covering those with legally protected status for reasons of race, gender, religion, color, age, national origin, ancestry, or disability, as well as those who are harassed for other reasons such as sexual orientation." Any such "harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated," and these policies apply to the faculty, staff, and students of both institutions. (*See* Compl. Ex. 5; Compl. Ex. 6 at 025.)

21. Under the antiharassment policies, both Purdue and PUC define harassment as follows:

Harassment is conduct towards another person or identifiable group of persons that has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment, or environment for participation in a University activity;
2. Unreasonably interfering with a person's educational environment, work environment, or environment for participation in a University activity; or
3. Unreasonably affecting a person's educational or work opportunities or participation in a University activity.

(See Compl. Ex. 5; Compl. Ex. 6 at 025.)

22. Under Purdue's and PUC's antiharassment policies, "[c]hancellors, vice presidents, deans, and heads of all schools, divisions, departments, and offices are responsible for maintaining an educational and employment environment free of harassment." (See Compl. Ex. 5; Compl. Ex. 6 at 027.) Likewise, "[a]dministrators or supervisors who have knowledge of conduct involving harassment . . . that involves University faculty, staff, or undergraduate or graduate students under their administrative jurisdiction, shall take immediate steps to deal with the matter according to University policy and procedures." (See Compl. Ex. 5; Compl. Ex. 6 at 027.)

23. At PUC, any student who violates the Anti-harassment Policy is subject to disciplinary penalties under PUC's Regulations Governing Student Conduct, Disciplinary Proceedings and Appeals. (See Compl. Ex. 6 at 060–061.)

24. Purdue University's graduate school also prohibits harassment in its *Policies and Procedures for Administering Graduate Student Programs*:

The dean and faculty of the Graduate School support all University efforts to protect its faculty, staff, and students from harassment in all forms, covering those with legally protected status for reasons of race, gender, religion, color, age, national origin, ancestry, or disability, as well as those who are harassed for other reasons such as sexual orientation.

A copy of *Policies and Procedures for Administering Graduate Student Programs* is attached as Exhibit 7 to this Complaint. (See Compl. Ex. 7 at 150–151.)

25. In addition to prohibiting harassment, PUC adopted a Reciprocal Respect Policy,

which reiterates the values and goals of the Anti-harassment Policy, including the fact that “[f]reedom of thought and expression are the lifeblood of our academic community.” A copy of PUC’s Reciprocal Respect Policy is included in its Student Handbook. (*See* Compl. Ex. 6 at 024.)

26. Moreover, both Purdue and PUC have adopted identical nondiscrimination policies because they are “committed to maintaining a community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential.” A copy of Purdue’s Nondiscrimination Policy is attached as Exhibit 8 to this Complaint. A copy of PUC’s Nondiscrimination Policy is included in its Student Handbook. (*See* Compl. Ex. 6 at 024.)

27. Under Purdue’s and PUC’s nondiscrimination policies, “Purdue University views, evaluates, and treats all persons in any University related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and other relevant characteristics.” (*See* Compl. Ex. 8; Compl. Ex. 6 at 024.)

28. Purdue’s and PUC’s nondiscrimination policies prohibit all forms of discrimination, including discrimination based on religion:

Purdue University prohibits discrimination against any member of the University community on the basis of race, **religion**, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam era veteran. The University will conduct its programs, services and activities consistent with applicable federal, state and local laws, regulations and orders and in conformance with the procedures and limitations as set forth in Executive Memorandum No. D-1 which provides specific contractual rights and remedies.

(*See* Compl. Ex. 8; Compl. Ex. 6 at 024 (emphasis added).)

29. Purdue University’s Reaffirmation of University Policy on Equal Opportunity and Affirmative Action also states that the University will not discriminate on the basis of religion:

I. Statement of Principles and Values

Purdue is committed to maintaining an inclusive community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. . . .

Purdue University views, evaluates, and treats all persons in any University related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and other relevant characteristics.

II. Statement of Policy

Equal Employment Opportunity and Affirmative Action: Purdue University does not condone and will not tolerate discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam-era veteran. . . .

(boldface in original) A copy of Purdue University's Reaffirmation of University Policy on Equal Opportunity and Affirmative Action is attached as Exhibit 9 to this Complaint.

30. Purdue University also adopted a Bill of Student Rights, which includes the following provisions:

Article 4

The student shall be free to discuss and express any view relevant to subject matter presented by the instructor or other class members. However, in exercising this freedom, the student shall not interfere with the academic process of the class by speaking to or behaving towards others in a hostile, demeaning, or intimidating manner.

Article 5

The student's course grade shall be based upon academic performance, and not upon opinions or conduct in matters unrelated to academic standards. . . .

....

Article 8

The student has the right to freedom from unlawful discrimination on the basis of race, gender, religion, color, age, national origin or ancestry, disability, marital status, parental status, sexual orientation, or status as a Vietnam era veteran. . . .

(boldface in original) A copy of Purdue's Bill of Students Rights is attached as Exhibit 10 to this Complaint.

31. PUC has adopted a similar Student Bill of Rights, which includes the following provisions.

10.00 Preamble

The fundamental purpose of an academic community is the preservation and advancement of learning and the pursuit of truth in an atmosphere of freedom and mutual respect in which the intellectual freedoms of teaching, learning, expression, research, and debate are guaranteed. . . .

....

10.04 Freedom to academic dissent

The student shall be free to discuss and express any view relevant to the subject matter presented by an instructor. However, in exercising this freedom, the student shall not interfere with the academic process of the class.

10.05 Right to fair evaluation and academic appeal

The student's course grade and evaluation shall be based upon academic performance related to course objectives and requirements. . . . Any student who is convinced that his/her course grade has been based upon matters not related to academic performance or course objectives has the right to appeal through the Campus grade appeals system.

....

10.08 Freedom from discrimination

The student has the right to freedom from unlawful discrimination on the basis of race, creed, age, sex, national origin, handicap, or status as a veteran. . . .

....

10.13 Freedom of assembly

Freedom of speech, right of petition, and freedom of assembly shall be guaranteed to all members of the University community. . . .

(See Compl. Ex. 6 at 058-060.)

B. PUC MARRIAGE AND FAMILY THERAPY PROGRAM POLICIES

32. PUC's Marriage and Family Therapy ("MFT") Program exists to accomplish three objectives:

Objective One

Graduates of the Program will be well versed in the various family therapy theories.

Objective Two

Graduates of the Program will have a strong beginning-level grasp of the practice of family therapy.

Objective Three

Graduates of the Program will have a solid grasp of how to conduct family therapy related research.

(boldface in original). A copy of the objectives of PUC's Marriage and Family Therapy Program are included in the Student Handbook for the Specialization in Marriage and Family Therapy ("MFT Student Handbook") for the 2004–2005 school year, which is attached as Exhibit 11 to this Complaint. (*See* Compl. Ex. 11 at 194.)

33. The MFT Student Handbook also contains the MFT Program's diversity statement:

The Marriage and Family Therapy Program at Purdue University Calumet is committed to the promotion of diversity among all human beings. This is more than a statement, but it is a foundational belief that not only are all individuals entitled to love, understanding, and equal rights, but that family therapists must learn to understand and support individuals whose age, race, culture, ethnicity, sexual orientation, religion, and physical ability might be different than their own. Diversity cannot be achieved solely through the reading of textbooks, but must be accomplished through one-on-one discussions between individuals of diverse lifestyles. This is not always easy, but it is a process that bears the most fruit. To ensure that students receive strong training in diversity, the MFT faculty is committed to discussing diversity issues in all courses, providing readings that deal with diversity issues, providing a practicum experience where students are exposed to a diverse client population, including discussion of diversity in clinical supervision, and developing a diverse faculty and student body. Consistent with

this stance, the Program abides by the 2004 American Psychological Association resolution supporting same-sex marriage, and gay and lesbian parenthood.

(Compl. Ex. 11 at 195.) A copy of the relevant American Psychological Association resolutions is attached as Exhibit 12 to this Complaint.

34. On occasion, students lack the skills to be effective marriage and family therapists even though they enter the MFT Program and continue progressing through it. “Because marriage and family therapists continuously intervene in the lives of others,” the MFT Program faculty has a responsibility “to identify those students who are severely lacking in clinical skill and counsel them out of the program.” However, this is to be a very rare action, and thus, “faculty will work with those students who exhibit severe deficiencies.” (*See* Compl. Ex. 11 at 211.) This procedure is also detailed in the MFT Student Handbook for the 2003–2004 school year, which is attached as Exhibit 13 to this Complaint. (*See* Compl. Ex. 13 at 249–250.)

35. The MFT Student Handbook defines these “severe deficiencies,” which could lead to a student being counseled out of the MFT Program:

Severe deficiencies exist when students are unable to appropriately apply theoretical material in the clinical setting. This relates to being unable to engage clients in therapy, diagnose existing problems, and design and implement intervention strategies.

Severe deficiencies also exist when students consistently fail to work with faculty, site supervisors, and students.

Severe deficiencies also exist when students show severe enough emotional problems to have a negative effect on their clients and either make no effort to resolve these problems or, after engaging in therapy, have made insufficient gains to continue in the practice of marriage and family therapy.

(Compl. Ex. 11 at 211; Ex. 13 at 249.)

36. The MFT Student Handbook also specifies the procedures for counseling a student out of the program:

1. Student strengths and growth areas are discussed with the students at their end

of semester evaluations. This is done with their practicum supervisor (The Family Therapy Skills instructor will do this for first semester students.). These issues also are discussed as a part of the student's ongoing supervision. When a growth area is identified, specific goals and strategies will be implemented to help the student develop in specific areas. This is a common and desired, occurrence in supervision. However, if the faculty member believes that the problem fits within the category of severe deficiency and it is not alleviated through the initial goal setting and strategizing procedures, step two of the process will be implemented.

2. Any faculty member who believes that a student is displaying a severe deficiency, and has attempted unsuccessfully to resolve it through goal setting and strategizing procedures will discuss the problem with the entire MFT faculty prior to meeting with the student. The faculty will decide if the problem is severe enough to warrant the label "severe deficiency." If the problem is termed a severe deficiency, the faculty will move to step three. If not, the problem will remain as another growth area for the student to work on. The faculty will discuss alternate strategies for the instructor to use with the student to facilitate growth.

3. Students will be notified of a severe deficiency by their practicum supervisor (The Family Therapy Skills instructor will do this for first semester students.) either during their end of semester evaluations or during the semester in case of certain rare situations. The student and faculty member will contract on ways the student can resolve the deficiency and decide on a time schedule for accomplishing this. The contract will be finalized in writing with a copy given to the student, a copy for the student's file, and a copy for all members of the faculty. If the student satisfactorily resolves the severe deficiency, he/she will receive a letter notifying him/her of such with a copy placed in his/her file and a copy for all members of the faculty.

4. Those students who do not satisfactorily resolve their severe deficiencies prior to the agreed upon date will meet with the entire MFT faculty to discuss the deficiency and alternate ways of resolving the problem. A new contract will be drawn up, stating the agreed upon plans for remediation and dates of completion.

5. Those students who still do not resolve their severe deficiencies will be asked to leave the program. They will meet with the MFT faculty to discuss the situation and will receive a letter from the program director notifying them of their discontinuation in the program. Copies of the letter will also be sent to all MFT faculty members with one placed in the student's file.

(See Compl. Ex. 11 at 211–212; Ex. 13 at 249–250.)

37. The MFT Student Handbook also delineates three nonacademic reasons for dismissal from the MFT Program:

1. Disobeying your supervisor's orders on practicum cases involving any legal or ethical entanglements, including potentially suicidal or homicidal clients, or cases with duty to warn or mandatory reporting issues.
2. Failure to inform your practicum site OR [sic] university supervisor when you have cases which meet the above criteria.
3. Failure to sign up for malpractice insurance with the university and provide documentation to the MFT program of your insured status.
4. Behavior which would cause the student to meet the severe deficiency track requirements, IF [sic] that student has been assigned to the severe deficiency track previously, depending on the nature of the student misconduct.

(See Compl. Ex. 11 at 213; Ex. 13 at 251.)

II. PLAINTIFF'S BELIEFS—DOCTRINES OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

38. The First Presidency of the Church of Jesus Christ of Latter-day Saints ("LDS Church") is the highest governing body of the LDS Church and is composed of the President of the Church and his counselors. At present, the President of the Church is Gordon B. Hinckley. The LDS Church's explanation of the office and function of the First Presidency is attached as Exhibit 14 to this Complaint.

39. Mr. Ford is a member of the LDS Church and subscribes to the teachings of the LDS Church, particularly in the areas of sexual conduct and the nature of the family.

40. In 1991, the First Presidency summarized the LDS Church's teachings about sexual behavior:

The Lord's law of moral conduct is abstinence outside of lawful marriage and fidelity within marriage. Sexual relations are proper only between husband and wife, appropriately expressed within the bonds of marriage. Any other sexual conduct, including fornication, adultery, and homosexual and lesbian behavior, is sinful. Those who persist in such practices or influence others to do so are subject to Church discipline.

A lesson plan containing the First Presidency's statement from 1991 is attached as Exhibit 15 to this Complaint.

41. In 1995, the First Presidency and the Council of the Twelve Apostles summarized the LDS Church's teachings on the nature of the family in a proclamation entitled, *The Family: A Proclamation to the World*. In its relevant parts, this proclamation states:

We, the First Presidency and the Council of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints, solemnly proclaim that marriage between a man and a woman is ordained of God and that the family is central to the Creator's plan for the eternal destiny of His children.

...

The first commandment that God gave to Adam and Eve pertained to their potential for parenthood as husband and wife. We declare that God's commandment for His children to multiply and replenish the earth remains in force. We further declare that God has commanded that the sacred powers of procreation are to be employed only between a man and a woman, lawfully wedded as husband and wife.

...

The family is ordained of God. Marriage between a man and woman is essential to his eternal plan. Children are entitled to birth within the bonds of matrimony, and to be reared by a father and a mother who honor the marital vows with complete fidelity. . . .

We warn that individuals who violate covenants of chastity, who abuse spouse or offspring, or who fail to fulfill family responsibilities will one day stand accountable before God. Further we warn that the disintegration of the family will bring upon individuals, communities, and nations the calamities foretold by ancient and modern prophets.

We call upon responsible citizens and officers of government everywhere to promote those measures designed to maintain and strengthen the family as the fundamental unit of society.

A copy of *The Family: A Proclamation to the World* is attached as Exhibit 16 to this Complaint.

42. The LDS Church defines and explains the term "the law of chastity" in its on-line lesson materials entitled *Live the Law of Chastity*:

God has commanded that the sacred power and privilege of sexual relations be exercised only between a man and woman who are legally married. This commandment is referred to as the law of chastity, and keeping it brings peace, self-respect, and strength from self-control.

God delights in chastity and hates sexual sin. Chastity includes strict abstinence from sexual relations before marriage and complete fidelity and loyalty to one's spouse after marriage. Children are entitled to birth within the bonds of matrimony and to be reared by a father and mother who honor marital vows. . . .

. . .

You are not to participate in abortions or homosexual or lesbian relations. . . .

A copy of *Live the Law of Chastity* is attached as Exhibit 17 to this Complaint.

43. In November 1998, President Gordon B. Hinckley outlined the LDS Church's position on homosexual conduct:

In the first place, we believe that marriage between a man and a woman is ordained of God. We believe that marriage may be eternal through exercise of the power of the everlasting priesthood in the house of the Lord.

People inquire about our position on those who consider themselves so-called gays and lesbians. My response is that we love them as sons and daughters of God. They may have certain inclinations which are powerful and which may be difficult to control. Most people have inclinations of one kind or another at various times. If they do not act upon these inclinations, then they can go forward as do all other members of the Church. If they violate the law of chastity and the moral standards of the Church, then they are subject to the discipline of the Church, just as others are.

We want to help these people, to strengthen them, to assist them with their problems and to help them with their difficulties. **But we cannot stand idle if they indulge in immoral activity, if they try to uphold and defend and live in a so-called same-sex marriage situation. To permit such would be to make light of the very serious and sacred foundation of God-sanctioned marriage and its very purpose, the rearing of families.**

(emphasis added) A copy of President Hinckley's statement from November of 1998 is attached as Exhibit 18 to this Complaint.

44. In November 1999, President Gordon B. Hinckley expanded on his comments from the year before regarding both "same-sex marriage" and homosexual conduct:

God-sanctioned marriage between a man and a woman has been the basis of civilization for thousands of years. There is no justification to redefine what marriage is. Such is not our right, and those who try will find themselves answerable to God.

Some portray legalization of so-called same-sex marriage as a civil right. This is not a matter of civil rights; it is a matter of morality. Others question our constitutional right as a church to raise our voice on an issue that is of critical importance to the future of the family. **We believe that defending this sacred institution by working to preserve traditional marriage lies clearly within our religious and constitutional prerogatives. Indeed, we are compelled by our doctrines to speak out.**

Nevertheless, and I emphasize this, I wish to say that our opposition to attempts to legalize same-sex marriage should never be interpreted as justification for hatred, intolerance, or abuse of those who profess homosexual tendencies, either individually or as a group. As I said from this pulpit a year ago, our hearts reach out to those who refer to themselves as gays and lesbians. We love and honor them as sons and daughters of God. They are welcome in the Church. It is expected, however, that they follow the same God-given rules of conduct that apply to everyone else, whether single or married.

(emphasis added) A copy of President Hinckley's statement from November of 1999 is attached as Exhibit 19 to this Complaint.

45. On October 20, 2004, the First Presidency of the LDS Church issued a statement summarizing the Church's position on individuals attracted to others of the same gender:

We of The Church of Jesus Christ of Latter-day Saints reach out with understanding and respect for individuals who are attracted to those of the same gender. We realize that there may be great loneliness in their lives but there must also be recognition of what is right before the Lord.

As a doctrinal principle, based on sacred scripture, we affirm that marriage between a man and a woman is essential to the Creator's plan for the eternal destiny of His children. The powers of procreation are to be exercised only between a man and a woman lawfully wedded as husband and wife.

Any other sexual relations, including those between persons of the same gender, undermine the divinely created institution of the family. The Church accordingly favors measures that define marriage as the union of a man and a woman and that do not confer legal status on any other sexual relationship.

A copy of the First Presidency's statement on same-sex attraction is attached as Exhibit 20 to this Complaint.

46. In 2006, the First Presidency sent a letter to congregational leaders throughout the United States, which was to be read to congregations at the beginning of their Sunday services.

In its relevant part, this letter read as follows: “We, as the First Presidency and Quorum of the Twelve Apostles, have repeatedly set forth our position that the marriage of a man and a woman is the only acceptable marriage relationship.” A summary of this letter from the First Presidency is attached as Exhibit 21 to this Complaint.

III. DEFENDANTS’ TREATMENT OF MR. WEST

47. In August 1997, Mr. Darwin West matriculated in the master’s degree program at PUC in Marriage and Family Therapy. He was a member of the LDS Church and subscribed to its teachings that sexuality is to be reserved for marriage between one man and one woman. An affidavit describing Mr. West’s experiences as an LDS student in the MFT Program is attached as Exhibit 22 to this Complaint. (*See* Compl. Ex. 22 ¶¶ 3–5.)

48. In the summer of 1998, Mr. West worked for Latter-day Saints Family Services (LDS Family Services) to fulfill some of the practicum hours required for the MFT Program. (*See* Compl. Ex. 22 ¶ 6.)

49. At least three (3) students in the MFT Program had worked for LDS Family Services before Mr. West, and all of them counted their hours toward the practicum requirement. (*See* Compl. Ex. 22 ¶ 7.)

50. During Mr. West’s first year at PUC, no faculty member ever raised any concerns about his academic performance or ability to relate to other classmates and potential clients. (*See* Compl. Ex. 22 ¶ 8.)

51. Before the summer of 1998, LDS Family Services had an unofficial relationship with the MFT Program. Though the two institutions had never signed an official contract or agreement, many students in the MFT Program had worked for LDS Family Services and counted these hours toward the practicum requirement, and all without incident or controversy.

(See Compl. Ex. 22 ¶ 9.)

52. During the summer of 1998, Defendant Trepper agreed to meet with the director of LDS Family Services to formalize the relationship so that it would be an officially recognized training site for MFT Program students. However, due to scheduling complications, this meeting never occurred. (See Compl. Ex. 22 ¶ 10.)

53. In the late summer or early fall of 1998, Mr. West met with an adolescent male who sought counseling from LDS Family Services. This young man felt attracted to other men and wanted help in overcoming these desires. (See Compl. Ex. 22 ¶ 11.)

54. After talking with this client, Mr. West mentioned the situation to his supervisor, Defendant Hecker, because they had never discussed this type of situation in any classes. After he described the client's situation, Defendant Hecker seemed confused and asked many questions about the work he was doing at LDS Family Services. Then she noted that Mr. West should simply provide support to the client and to his family. (See Compl. Ex. 22 ¶ 12.)

55. The next week, Defendant Hecker informed Mr. West that he could not counsel the client on how to overcome his attraction to other men. Instead, she said that he had to help the client embrace these desires. Her instructions confused Mr. West because this was not what the client came to LDS Family Services to receive. But she was very adamant. In order to clarify her instructions, Mr. West summarized his concerns by asking whether therapists are ethically bound to help a client reach his goals rather than to advance the therapist's political agenda. Mr. West further asked if she would want Mr. West to change his views concerning the matter simply because she disagreed with him. This question caused her to get visibly upset and to end the supervision session for that week. (See Compl. Ex. 22 ¶ 13.)

56. A short time following Mr. West's conversation with Defendant Hecker,

Defendant Trepper concluded that LDS Family Services was no longer an appropriate place for practicum students to work. Defendant Trepper informed Mr. West that none of his hours there would count towards his degree. (*See* Compl. Ex. 22 ¶ 14.)

57. In making this decision, Defendant Trepper ignored the facts that several previous students had worked with LDS Family Services without incident and all of their hours counted toward their degrees. One of these students avoided discussing any issues regarding homosexual conduct in order to avoid any potential conflict. Another student agreed with Defendant Hecker's position on these issues, thereby avoiding any trouble. (*See* Compl. Ex. 22 ¶ 15.)

58. In the days after this decision, Mr. West discussed the young client's situation with officials in the LDS Church, and they were very concerned that PUC was trying to force clients to receive treatment and therapy that the clients did not want or request. (*See* Compl. Ex. 22 ¶ 16.)

59. At the end of the fall 1998 semester, Mr. West met with Defendant Wetchler to receive his semester evaluation. Until this point, no PUC faculty members had raised any concerns about Mr. West's academic or professional performance. But Defendant Wetchler suddenly announced that the faculty had discussed Mr. West's file and that he was in jeopardy of being kicked out of the MFT Program. (*See* Compl. Ex. 22 ¶ 17.)

60. Shocked by this news, Mr. West inquired into the reason for this drastic, unforeseen change in his standing with the University. Defendant Wetchler stated Defendant Hecker had recounted some of Mr. West's questions when counseling the adolescent male client who wanted help with his same-sex attractions. From these, she concluded that Mr. West had trouble dealing with clients who engaged in homosexual conduct. Defendant Wetchler further explained that Defendant Trepper had expressed a concern regarding Mr. West's values towards sexuality and, in his view, the potential ethical problems inherent with them. (*See* Compl. Ex. 22 ¶ 18.)

61. After hearing these charges and the possible consequences stemming from them, Mr. West consulted with Dr. Dean Byrd, Clinical Professor at the University of Utah School of Medicine and President and CEO of the Thrasher Research Fund. Dr. Byrd mentioned the possibility of challenging the bias, discrimination, and intimidation at the University. But as Mr. West wanted to graduate, he did not take any action against the University. He feared that if he did so, he would not have been allowed to complete the MFT Program. (*See* Compl. Ex. 22 ¶ 19.)

62. After consulting with Dr. Byrd and other counselors, Mr. West made an appointment with Mr. Jerome Bercik, an adjunct professor in the MFT Program at PUC. In our conversation, Mr. West summarized his concerns about what was happening at the University, particularly as it affected his standing with the MFT Program. Mr. Bercik had not heard of the threats to expel Mr. West from the program. As they talked, Mr. Bercik mentioned a rumor he had heard of a confrontation between Defendant Wetchler and Mr. West, and Mr. West informed Mr. Bercik that these rumors were baseless. It was a simple difference of opinion made out to be more than it was. But Mr. Bercik had no concerns about allowing Mr. West to continue in the MFT Program. (*See* Compl. Ex. 22 ¶ 20.)

63. Next Mr. West met with Defendant Wetchler to discuss his concerns with Mr. West's performance in the MFT Program. Defendant Wetchler repeatedly tried to deflect Mr. West's questions by discussing concerns that he had heard from other faculty members. But finally he addressed Mr. West's questions. He noted that he was concerned because he saw a lot of himself in Mr. West and wanted to help Mr. West avoid some of the negative things that had occurred to him in life. In particular, he was concerned that Mr. West might come across as intimidating to people. (*See* Compl. Ex. 22 ¶ 21.)

64. In the next few days, Mr. West also met with Defendant Trepper to discuss his

concerns with Mr. West's performance in the MFT Program. Like Defendant Wetchler, Defendant Trepper first tried to deflect Mr. West's questions, but they finally focused on *his* concerns. Once they did so, Defendant Trepper admitted that he had been intimidated or afraid of Mr. West, which in the present discussion he found to be a silly thought due to the hierarchical nature of their positions. He had some concerns about Mr. West's conservative beliefs regarding sexuality, but they were able to resolve any serious problems about Mr. West's academic standing. (*See* Compl. Ex. 22 ¶ 22.)

65. Last, Mr. West met with Defendant Hecker. When Mr. West explained that he wanted to work out any concerns regarding his performance in the MFT Program, she responded by asking: "Why did you have to wait until you were threatened to be kicked out of the program to address the problem?" No matter how Mr. West approached the issue, she repeated some form of this question. Regardless of his statements or explanation, she repeated some form of this question, thereby making it very clear that she refused to work out any of these disputes. (*See* Compl. Ex. 22 ¶ 23.)

66. At the beginning of the spring 1999 semester, Mr. West did not hear anything more about being kicked out of the MFT Program from any of the professors. They did not threaten him with expulsion again, and he continued through the MFT Program earning straight As. (*See* Compl. Ex. 22 ¶ 24.)

67. In the MFT Program, all students are required to take a class in sex therapy, a significant component of this class focuses on visual desensitization. That is, the professors show a variety of videos and pictures of explicit sexual scenes during class. (*See* Compl. Ex. 22 ¶ 25.)

68. Officially, students are free to excuse themselves from class if these explicit scenes and situations make them uncomfortable. However, students know that if they did so,

they would face repercussions later as the faculty would question whether such students were suited for the marriage and family therapy profession. (*See* Compl. Ex. 22 ¶ 26.)

69. Before attending PUC, Mr. West received a bachelor's degree from Brigham Young University, and after graduating from PUC, he received a doctoral degree from Kansas State University. At neither of these schools were students forced to watch such explicit materials as part of the program. (*See* Compl. Ex. 22 ¶ 27.)

70. At the end of the fall 1999 semester, Mr. West completed his master's degree thesis, thus completing the MFT Program at PUC. (*See* Compl. Ex. 22 ¶ 28.)

71. During Mr. West's career at PUC, it was clear that the University had an overarching set of acceptable values. The University and its faculty members advocated liberal and permissive views regarding sexuality and homosexual conduct. As a result, it viewed conservative and religious students as particularly suspect and actively sought to change their views. But if students were liberal and atheistic, they were particularly well received. If they were religious, the University would still welcome and accept them if they held to liberal, permissive views of sexuality. (*See* Compl. Ex. 22 ¶ 29.)

IV. DEFENDANTS' DISCRIMINATION AGAINST MR. FORD

A. ADMISSIONS INTERVIEWS

72. In May of 2002, Mr. Ford graduated from the University of Utah with a Bachelor of Science in Psychology. As he wanted to pursue a Master Degree in Marriage and Family Therapy, he researched and investigated the most prominent and prestigious programs in the country. According to his research, the most prominent programs were those at Brigham Young University and Purdue University Calumet.

73. During the summer and fall of 2002, Mr. Ford applied to many marriage and

family therapy programs. Over the course of the following months, Iowa State University accepted him into its master's degree program, and Michigan State University accepted him into its doctoral program.

74. On March 11, 2003, Mr. Ford visited PUC to interview with the MFT Program. This interview process consisted of four one-on-one interviews, three with MFT Program faculty members and one with an MFT Program student.

75. First, Mr. Ford met with Ms. Sarah Smock, an MFT Program student at PUC at the time. On information and belief, shortly before this interview, the MFT Program faculty met with Ms. Smock to explain to her how to conduct the interview. After this meeting with the faculty, Ms. Smock quizzed Mr. Ford on how he, as an LDS Church member, would treat homosexual clients. Mr. Ford stated: "I would treat them with dignity and respect, much like I would treat any other client."

76. Next, Defendant Wetchler interviewed Mr. Ford. During this interview, Defendant Wetchler mentioned that he needed to ask Mr. Ford about some ethical matters that affect students who are members of the LDS Church. Defendant Wetchler asked: "How will you treat gay clients?" Mr. Ford stated: "I would treat them with dignity and respect, much like I would treat any other client." He also stated that homosexual individuals tend to have more mood disorders, and so he would help these issues as he would any other client.

77. Defendant Wetchler commented that many of his LDS students receive significant callings from the church. That is, they are asked to take on significant responsibilities (e.g., leading the men's group) within the LDS Church. But Defendant Wetchler advised Mr. Ford: "I strongly recommend that you not accept any callings."

78. Defendant Wetchler focused on Mr. Ford's background as a member of the LDS

Church. He commented that it is very hard to be an LDS student in Indiana, and in the MFT Program in particular. He boasted that every married LDS student in the MFT Program had divorced before or soon after graduation.

79. Third, Defendant Trepper interviewed Mr. Ford. After briefly discussing Mr. Ford's educational background and the prior interviews, he asked: "How will you treat homosexual clients?" Mr. Ford stated: "I would treat them with dignity and respect, much like I would treat any other client."

80. Last, Defendant Hecker interviewed Mr. Ford. She requested that he ask her questions about the program. But she also mentioned special ethical issues that affect students who belong to the LDS Church. Like the previous interviewers, she asked: "How will you treat gay clients?" Mr. Ford stated: "I would treat them with dignity and respect, much like I would treat any other client."

81. On March 21, 2003, PUC's MFT Program informed Mr. Ford that it had accepted him into the program. Mr. Ford informed PUC that he needed some time to consider the offer due to his interview experiences. He wanted to be sure that PUC would treat him the same as every non-LDS student.

82. On March 22, 2003, Mr. Ford spoke with Mr. Chad Graf, who at that time was a student in the PUC MFT Program and who was also a member of the LDS Church. During this conversation, Mr. Ford mentioned that each interviewer had asked him how he would address clients who engaged in homosexual conduct. He was concerned that the faculty would discriminate against him because of his religious objections to therapy that advocates homosexual behavior (a.k.a. "gay affirmative therapy") and "same-sex relationship therapy." Mr. Graf assured Mr. Ford that he had never experienced any egregious mistreatment from the

faculty during his time in the program. But years later, Mr. Graf explained that he did not experience any discrimination at Purdue because he had no objection to therapy advocating homosexual behavior and “same-sex relationship therapy.” That is, Mr. Graf accepted the perspective of the MFT Program faculty on these issues, rather than following the teachings of the LDS Church on issues of sexual conduct and homosexuality.

83. On March 23, 2003, after he and his wife had prayed about the decision and about the conversation with Mr. Graf, Mr. Ford informed the MFT Program that he would accept its offer. This decision required him to move his wife and child from Utah to Indiana. But one of his main reasons for doing so was that PUC offered to pay for his tuition and to give him a monthly stipend. In addition, he looked forward to the opportunity of teaching classes.

B. ADVANCED CHILD DEVELOPMENT CLASS

84. In the fall of 2003, Mr. Ford matriculated into the MFT Program and enrolled in Defendant Wetchler’s Advanced Child Development class. This class focused on different types of parenting, particularly cultural differences in parenting. The class included both first-year and second-year students, but Mr. Ford was the only LDS student in that class.

85. On December 3, 2003, Defendant Wetchler opened the Advanced Child Development class by discussing the alleged difficulties and inequalities faced by parents who engage in homosexual conduct. Normally, Defendant Wetchler covered several parenting topics in one class, but on this day, he dedicated the entire three hours to the issue of “gay parenting.” Ultimately Defendant Wetchler steered the class so that it focused on each student’s personal beliefs regarding homosexual conduct, and he asked each student to give his opinion.

86. As the discussion proceeded, every student condoned this type of behavior and displayed tremendous hostility toward any concept of traditional morality. During a break in the

class, Mr. Ford approached Defendant Wetchler and asked whether he was “safe” to express his religiously-based beliefs without being “black listed or targeted.” He noted that he was fearful of expressing his opinion because of the climate that Defendant Wetchler had created, but Defendant Wetchler encouraged him to participate in the discussion.

87. When Mr. Ford’s turn came, he explained that he thought homosexual conduct was morally wrong, but he emphasized that he would not treat any individual differently as a result. In fact, he condemned all forms of discrimination and explained that he also had been the victim of discrimination. He explained his experience during the interview process, where all four interviewers asked about his religious beliefs and used his response to determine whether he would be accepted into the MFT Program. Then he asked his classmates to indicate by a show of hands whether they had been asked the question: “How will you treat gay clients?” Of the twenty students in the classroom, *none* raised their hands.

88. After this, Defendant Wetchler was visibly upset with Mr. Ford, and he said: “Jeff, you have been taught not to express what you believe to protect yourself.” Mr. Ford responded by noting the hostile environment in the classroom toward anyone who did not condone homosexual behavior. Defendant Wetchler continued by saying that Mr. Ford had been taught not to say anything. From here, Defendant Wetchler began discussing the merits of Mr. Ford’s LDS faith. When Mr. Ford noted how his mission had helped solidify his faith, Defendant Wetchler dismissed this idea saying that Mr. Ford had been raised in an “insulated society.” He then concluded by saying: “Jeff, I have a private agenda for you.”

C. SEX THERAPY CLASS

89. In the spring of 2004, Mr. Ford enrolled in Defendant Trepper’s class entitled Sex Therapy (CDSS 671). Throughout this class, Defendant Trepper chose to approach the subject

from a very permissive, laissez faire moral viewpoint.

90. At one point in the semester, Defendant Trepper asked Ms. Rosemary Duffy-Greslo, a student in the MFT Program, to teach a three hour class period. Ms. Duffy-Greslo openly engaged in lesbian behavior with her partner of many years, with whom she had a child via insemination. Ms. Duffy-Greslo spent the three hour class period exploring the homosexual agenda and how her fellow students could advance it in society.

91. On April 14, 2004, Mr. Ford visited Defendant Trepper's office to ask some questions about applying the information from the sex therapy class to different types of clients. He wanted to know how he could apply this knowledge to a patient who has a traditional view of morality, such as one who follows Biblical moral teachings. As an example, he mentioned the therapeutic approach called sensate focus, which uses systematic desensitization to help couples achieve coitus. As it teaches individuals to masturbate, a religious person could not use this technique without violating his religion. Thus, Mr. Ford asked how he could adapt these principles when treating a religious client.

92. In response, Defendant Trepper asked Mr. Ford whether he would conduct "gay affirmative therapy" or "gay couple therapy." Mr. Ford responded that he would do neither because he did not feel competent to do so as they both violated his faith tradition. Instead, he would refer clients requesting such treatment to other marriage and family therapists. Defendant Trepper responded by saying: "I just don't know whether you can even be in the program." Later he asked: "Didn't you get asked the Mormon scanning question?" As Mr. Ford was confused about the "Mormon scanning question," Defendant Trepper explained that "it is a question to determine whether Mormons can get into this program." At this point, Mr. Ford recalled all the questions during the admission interviews regarding the alleged ethical issues that

confront LDS students.

93. After this interview, Defendant Trepper's threat of expulsion created a great deal of anxiety, stress, and panic for Mr. Ford, and he was shocked that he could be removed from the program because of his religious beliefs. So later on April 14, 2004, Mr. Ford called Defendant Trepper. During this conversation, Defendant Trepper again said: "I am going to have to talk with the faculty about this. I am not sure whether you can be in the program."

94. At this point, Mr. Ford contacted members of the American Association for Mormon Counselors and Psychotherapists for advice on how to handle the situation. Shortly thereafter, he contacted Mr. Larry Crenshaw, a social worker in the Humanitarian and Welfare Office of the LDS Church. Mr. Ford explained that he did not want to compromise his religious values, especially on sexual issues, to obtain a degree, and Mr. Crenshaw indicated that he should not have to do so. He also referred Mr. Ford to Dr. Byrd. (*See* Compl. ¶ 61; Compl. Ex. 23 ¶¶ 4–5.)

95. After obtaining advice from Dr. Byrd, Mr. Ford met again with Defendant Trepper on April 15, 2004, and reiterated his position regarding therapy that advocates homosexual behavior and "same sex relationship therapy." Not only did Defendant Trepper disagree with Mr. Ford, but he also said: "You are being racist, prejudice, and discriminative [sic]." When Mr. Ford asked how this would affect his standing in the MFT Program, Defendant Trepper commented: "I don't know." He said that he would have to consult with the MFT Program faculty before letting Mr. Ford know.

96. Again following Dr. Byrd's advice, Mr. Ford met with each MFT Program faculty member. He summarized his interaction with Defendant Trepper, and each faculty member accepted his account with objection or correction.

97. Defendant Hecker responded to Mr. Ford's account by noting that Mr. Ford stood

on solid ethical ground in recusing himself from cases that involve therapy advocating homosexual behavior or “same sex relationship therapy.” She also noted that Defendant Trepper had “stepped over the line” in his reaction, that he was wrong to ask about such issues, and that Mr. Ford had handled the situation extremely well.

98. Defendant Wetchler responded to Mr. Ford’s account by saying that Mr. Ford had become over anxious and had not handled the situation correctly. He then suggested to Mr. Ford some ways to decrease anxiety when facing “discrimination.”

99. Defendant Wetchler also advised Mr. Ford to contact several professors at Kansas State University and Texas Tech University. These professors were members of the LDS Church, but they taught that LDS therapists should conduct sex therapy for same sex couples. In fact, they taught that LDS members should support homosexual behavior.

100. In the following weeks, Defendant Trepper discussed this issue with the other MFT Program faculty and developed a plan for how Mr. Ford could address these issues.

101. This incident of discrimination started what would become a long-lasting professional friendship between Mr. Ford and Dr. Byrd. During their conversations, Dr. Byrd detected the incredible amount of stress that this incident inflicted on Mr. Ford, and thus, he agreed to consult with Mr. Ford on a *pro bono* basis. Over the next two years, Mr. Ford and Dr. Byrd consulted regularly, often two or three times per day, about how to address the isolation, scrutiny, discrimination, and retaliation that Defendants inflicted on Mr. Ford. Through these consultations, Dr. Byrd helped Mr. Ford manage the hostile environment that took its toll on him professionally and personally. An affidavit from Dr. Byrd describing his relationship with Mr. Ford is attached as Exhibit 23 to this Complaint.

102. Mr. Ford and Dr. Byrd discussed the possibility of taking legal action against

PUC because of this discrimination, but Mr. Ford feared that doing so would jeopardize his ability to graduate from the MFT Program. (See Compl. Ex. 23 ¶ 12.)

D. MR. FORD'S THESIS PROPOSAL

103. During the summer of 2004, the issue of “same-sex marriage” figured prominently in the news because of the decision from the Supreme Judicial Court of Massachusetts in *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), and because of the upcoming presidential election.

104. In the summer of 2004, the American Association of Marriage and Family Therapists (AAMFT) issued a call for research into the effects of same-sex parenting.

105. On July 7, 2004, Mr. Ford met with Defendant Wetchler to discuss possible thesis topics. During the meeting, Mr. Ford proposed several topics, one of which was same-sex parenting. Defendant Wetchler became visibly agitated with this idea. When he saw this, Mr. Ford stated that he felt that Defendant Wetchler was not allowing him to explore his options fully and that other faculty members thought this was a viable and reasonable research topic. When Defendant Wetchler heard this, he immediately ended the meeting saying: “Jeff, if you did this, it would be professional suicide. You are the kind of person who would do research that would hurt people.” At this point, they planned to meet again on July 13, 2004.

106. Upon information and belief, at least two other students—one of whom was John Bryant—were allowed to research thesis topics related to homosexual conduct. Of course, their theses advocated this conduct and treated it as a positive good for individuals and society. The MFT Program faculty approved both topics.

107. Immediately after Mr. Wetchler ended the July 7th meeting, Mr. Ford had a pre-scheduled meeting with Mr. Jerry Bercik. At this meeting a fellow student asked Mr. Ford a

simple question, but Mr. Ford was still so overwhelmed with anxiety by the way Defendant Wetchler abruptly concluded their previous meeting that he was unable to answer this student's question. Later Mr. Bercik asked Mr. Ford what had happened. When Mr. Ford explained what had happened in his meeting with Defendant Wetchler, Mr. Bercik was shocked at Defendant Wetchler's conduct.

108. On July 9, 2004, Defendant Wetchler e-mailed Mr. Ford to cancel their meeting. He stated that the MFT Program faculty wanted to discuss Mr. Ford's thesis proposal as a team before moving forward. A copy of Defendant Wetchler's e-mail of July 9, 2004, is attached as Exhibit 24 to this Complaint.

109. In the meantime, Mr. Ford had consulted with Dr. Byrd and decided to select a different thesis topic in the hopes of avoiding further conflict. On July 10, 2004, he sent an e-mail to Defendant Wetchler explaining this, and this e-mail is attached as Exhibit 25 to this Complaint.

110. On July 10, 2004, Mr. Ford also met with Defendant Wetchler to explain that he would select another topic for his thesis. At this meeting, Defendant Wetchler encouraged Mr. Ford to consider two topics: (1) the relationship between differentiation and religiosity; and (2) the relationship between identity foreclosure and intolerance.

111. For the first topic, Defendant Wetchler explained that he thought that high religiosity corresponded with low differentiation, and *vice versa*. "Differentiation" is a psychological scale that measures how well developed emotionally a person is. People with low differentiation scores tend to be more anxious, more wrapped up in their emotions, less emotionally balanced, and less developed emotionally. Those with high differentiation scores tend to have more balance between thought and emotion, tend to be less controlled by their emotions, and tend to be more developed emotionally. Hence, Defendant Wetchler had concluded that very religious people were

less developed emotionally and more unbalanced than their secular counterparts.

112. For the second topic, Defendant Wetchler explained that he thought that high identity foreclosure corresponded with high levels of intolerance, and *vice versa*. “Identity foreclosure” is a psychological term measuring the relationship between a person’s beliefs and the views of his family (particularly his parents) on matters of religion, politics, and social and cultural values. People with high “identity foreclosure” scores tend to accept blindly the views of their family. Thus, Defendant Wetchler had concluded that religious people were more intolerant and intolerant people were more religious than their counterparts.

113. In sum, Defendant Wetchler refused to allow Mr. Ford to research the effects of same-sex parenting, even though the AAMFT requested such research. Yet at the same time, he allowed other students to research topics related to homosexual conduct as long as they approved of such conduct. Then, to make matters worse, he suggested that Mr. Ford do research showing that religious individuals tend to be emotionally stunted, intolerant bigots.

E. MR. FORD’S LETTER TO THE EDITOR

114. On July 7, 2004, the LDS Church issued a press release indicating that it “favors a constitutional amendment preserving marriage as the lawful union of a man and a woman.” A copy of the press release from July 7, 2004, is attached as Exhibit 26 to this Complaint.

115. In early August 2004, a friend asked Mr. Ford to write a letter to the editor of *The Times*, a local paper, on the subject of “same-sex marriage.” Mr. Ford chose to exercise his First Amendment freedoms by contributing to this community forum and explaining society’s significant interests in preserving the traditional definition of marriage as the union of one man and one woman. His letter traces the decline of marriage in nations that have accepted “same-sex marriage” and argues that the people of the United States—rather than judges—should

decide such a foundational issue. A copy of Mr. Ford's letter to the editor is attached as Exhibit 25 to this Complaint. (*See also* Compl. Ex. 23 ¶ 15.)

116. A critical component of the MFT Program curriculum involves giving students hands on clinical experience. But before a student counsels clients in the MFT Clinic at PUC, he must meet with a faculty member for a "presession." During this presession meeting, the student and faculty member review the case, discuss the possible treatment approaches, and determine the best treatment plan.

117. On August 8, 2004, Mr. Ford met with Defendant Hecker and an intern for a thirty to forty-five minute presession meeting to discuss a very difficult incest case. During this meeting, the clients were in the waiting room awaiting their therapy session. As Defendant Hecker was the professor and the approved certified instructor, both PUC standards and the ethics code of the American Association of Marriage and Family Therapists required her to work with Mr. Ford and to supervise his session with the clients.

118. During this presession planning meeting, Defendant Hecker abruptly announced to the intern and Mr. Ford that she could no longer work with Mr. Ford ethically. At this point, she was shaking with anger. Mr. Ford asked if it would be possible to discuss this issue privately. Although the clients were in the waiting room at the time, she just got up and walked out of the room saying that she did not even want to remain in the same room as Mr. Ford.

119. After the session was over, Mr. Ford approached Defendant Hecker in an attempt to resolve the sudden, unexplained disruption. At this point, Defendant Hecker held up a copy of his letter to the editor and asked whether he wrote it. Mr. Ford admitted that he had and noted that he was unaware of any policy that prohibited him from writing such letters. Defendant Hecker responded by saying that she did not know whether Mr. Ford could remain in the MFT Program.

She also stated that she would have to discuss this issue with the rest of the MFT Program Faculty. Mr. Ford responded by asking: “Is this something about which I should seek consultation?”

120. Shortly after Mr. Ford’s letter sparked controversy within the MFT Program, Dr. Byrd reviewed it. Attempting to prevent further escalation, Dr. Byrd prepared a letter outlining his professional opinion that Mr. Ford acted ethically in exercising his constitutional rights by writing this letter. He authorized Mr. Ford to present this letter in his defense if the need arose. (*See* Compl. Ex. 23 ¶ 16, Appx. 1.)

121. On August 23, 2004, Defendant Wetchler sent Mr. Ford an e-mail saying that he wanted to arrange a meeting so that he could “talk with you about some of the things that have been happening lately.” Defendant Wetchler also sent a copy of this e-mail to other undisclosed recipients. A copy of Defendant Wetchler’s e-mail is attached as Exhibit 28 to this Complaint.

122. On August 23, 2004, Defendant Flannery met with the MFT Program faculty. At the end of this meeting, he approved a memorandum, which was then placed in Mr. Ford’s campus mailbox. This memorandum stated that PUC and the MFT Program had adopted the policy positions of the American Psychological Association on “same-sex marriage” and same-sex parenting. Because the APA so strongly endorsed both “same-sex marriage” and same-sex parenting and so strongly condemned anyone who disagreed with either position, Mr. Ford feared that this memorandum represented the basis for expelling him from the MFT Program. Mr. Ford was the only student to receive a copy of this memorandum at this time. A copy of Defendant Flannery’s memorandum is attached as Exhibit 29 to this Complaint.

123. Shortly after it was placed in his box, Mr. Ford read the memorandum. As a result of the contents, he was so disturbed that he had to leave the MFT Program clinic for the rest of the day. He feared that the faculty was constructing a framework by which they could

remove him from the program.

124. At 1:30 p.m. on August 26, 2004, Mr. Ford met with Defendant Wetchler, as Defendant Wetchler had requested via e-mail. At the outset of this meeting, Defendant Wetchler stated that he was representing all of the MFT Program faculty members and that the faculty had already met to discuss this situation with Defendant Flannery. Defendant Wetchler then stated: “You’re not in trouble. This is an opportunity for you to make changes because we are extremely concerned about your behavior.” The behavior to which Defendant Wetchler referred was Mr. Ford’s letter to the editor regarding “same-sex marriage.”

125. Defendant Wetchler continued by explaining why the MFT faculty was concerned about Mr. Ford’s letter to the editor: “If someone were to recognize your name, it might misrepresent the clinic, simply by your name.” He explained that the MFT Program faculty “wanted [Mr. Ford] to stay underground, because we are worried about you being a therapist and hurting a lot of people with this type of article.” Next, Defendant Wetchler elaborated on why such a letter to the editor might hurt people: “You are creating a hostile environment for the program, clients, and students.”

126. When Defendant Wetchler tried to argue that Mr. Ford had misquoted articles and misrepresented data in his letter, Mr. Ford declined to discuss the contents of the letter, saying: “I refuse to discuss the content of the article. It is simply an expression of my faith tradition which my religious doctrine compels me to speak out.” Defendant Wetchler responded by saying: “This is not about religion or First Amendment rights. It is about hurting people. And you hurt a lot of people. Students have read the article, other faculty in the department have read the article (not that we are passing it around) and you have hurt people.” Despite the fact that Defendant Wetchler mentioned that Mr. Ford had “hurt people” at least seven (7) times and

repeatedly pressed for an apology, Mr. Ford refused to apologize for his letter or to recant his beliefs regarding the definition of marriage.

127. Defendant Wetchler next commented that the MFT Program faculty were concerned about what Mr. Ford would teach regarding single parent families, children of divorced parents, and sexual identity as he was scheduled to teach Psychology 1010 and Adolescent Development 3600 in the upcoming fall semester. Mr. Ford responded: "I adhere strictly to the curriculum which I am given, and if it is necessary, I can provide my lectures for review."

128. Defendant Wetchler then told Mr. Ford: "You were the most beloved, the most beloved student until three or four months ago. Now the faculty are enraged with you. None of the faculty, at this point, feel like they could write you a letter of recommendation unless you stop your aggressive behavior around LGBT issues and stop creating a hostile environment." Throughout the meeting, Defendant Wetchler repeatedly told Mr. Ford, "You were the most beloved student, and now the faculty are enraged with you."

129. For a marriage and family therapist, a doctoral degree is essentially a professional requirement and was something that Mr. Ford aspired to earn. To get into a doctoral program, a student must submit several letters of recommendation that accurately and objectively reflect his scholarly and professional abilities. The individuals best situated to write these letters for Mr. Ford were the MFT Program faculty. If these faculty members refused to write any letters of recommendation, they would effectively scuttle his professional career. (*See also* Compl. Ex. 23 ¶ 23.)

130. Understandably disturbed by this threat from the MFT Program faculty, Mr. Ford inquired into what he had done that was so aggressive or that created a hostile environment. Defendant Wetchler answered by referring to "the article [i.e., the letter to the editor] and your thesis issue."

131. Regarding the thesis issue, Mr. Ford reiterated his previous explanation that this

was the result of a misunderstanding when he was still exploring different possible thesis topics. He noted that an article by Judith Stacey and Timothy Biblarz served as a basis for his interest, as had the AAMFT request for articles on the topic of same-sex couples serving as parents. But he again emphasized that he had ultimately decided not to address this issue because the faculty had strongly discouraged it. Although he felt that the topic warranted scientific study and wanted to address it in the future, he would follow the faculty's counsel and select a different topic for his thesis.

132. Throughout the conversation, Defendant Wetchler told Mr. Ford seven (7) times: "You were the most beloved student, and now the faculty are enraged with you." He also told Mr. Ford: "You have struggled to integrate the core tenets of your religion, and you are hurting people." Later he even declared that Mr. Ford's "religious beliefs create a hostile environment."

133. Defendant Wetchler's comments are unprecedented and outrageous in a professional and academic environment. (*See* Compl. Ex. 23 ¶ 18.)

134. As a result of this conversation, Defendant Wetchler demanded that Mr. Ford make several behavior changes.

135. First, Defendant Wetchler demanded that Mr. Ford "come directly to people."

136. Second, Defendant Wetchler demanded that Mr. Ford "stop intimidating faculty." When Mr. Ford asked how he had intimidated faculty, Defendant Wetchler cited Mr. Ford's comments about seeking consultation. He claimed that Mr. Ford had "acted like there was going to be a lawsuit," and he claimed that "in a business you would be fired if you had done this."

137. Third, Defendant Wetchler demanded that Mr. Ford "work with Kent Pierce on lectures dealing with single parents, children of divorce, and sexual identity for the classes you teach."

138. After this, Defendant Wetchler requested permission to ask Mr. Ford a personal

question. After receiving this permission, he asked: “Why are you so interested in LGBT issues? For a guy as sensitive as you are, you are insensitive in this area.” Mr. Ford responded that this was merely one of many areas in which he had developed a professional interest. Others included such topics as parenting and marital relations. Defendant Wetchler responded, “Yeah, but why LGBT?”

139. At this point, Mr. Ford responded: “What are you getting at?” Defendant Wetchler started to talk about how much Mr. Ford had hurt his feelings, how Mr. Ford was insensitive to his feelings when Mr. Ford wanted to explore issues surrounding homosexual conduct, and how much Mr. Ford’s conduct and positions hurt him.

140. Mr. Ford responded to all of this by saying that he had taken careful notes on the conversation and would carefully consider each of Defendant Wetchler’s points. At Dr. Byrd’s advice, Mr. Ford had taken copious notes during the meeting—including verbatim quotations from Defendant Wetchler. (*See* Compl. Ex. 23 ¶¶ 11, 17.)

141. Defendant Wetchler concluded the meeting—which had lasted nearly two (2) hours—by telling Mr. Ford: “You are liked, but you are not beloved.” Defendant Wetchler also asked if he could review Mr. Ford’s notes from the meeting, a request which Mr. Ford obliged. After reviewing Defendant Wetchler nodded in agreement to what was written. (*See also* Compl. Ex. 23 ¶ 17.)

142. On August 30, 2004, Mr. Ford met with Defendant Hecker, as she had requested. During this meeting, she also tried to make Mr. Ford feel guilty for hurting the feelings of all students. But then she asked him whether he thought that single parent families can produce stable, healthy children. As Mr. Ford grew up in a single parent household, he quickly assured her that such homes could produce healthy children.

143. Shortly thereafter, Mr. Ford met with Mr. Ken Pierce, as Defendant Wetchler had instructed. Mr. Pierce and Defendant Wetchler then decided that Mr. Ford should submit his class materials to Ms. Ann Edwards, an openly practicing lesbian, to determine if they were suitable. When Mr. Ford met with her on October 12, 2004, he described his classroom techniques. She responded by saying: "Wow, you sound as sensitive as they come." She repeatedly assured him that he was being as sensitive and tolerant as she could imagine.

144. Even as late as August 2005, Defendants repeated their threats not to write letters of recommendation on Mr. Ford's behalf. In Mr. Ford's clinical work, many of the Defendants also served as his supervisors. Frequently, they would note his improvement, mention the letters of recommendation issue, and then say, "You're not out of the woods yet." (*See also* Compl. Ex. 23 ¶ 23.)

145. In late August 2004, Defendant Hecker passed along a copy of Mr. Ford's letter to the editor to Ms. Duffy-Greslo. (*See* Compl. ¶ 90 (identifying Ms. Duffy-Greslo).) Though she and Mr. Ford had been friends, when Ms. Duffy-Greslo read his letter, she gave him an ultimatum: he must change his religious beliefs or she would no longer be his friend. In her e-mail dated August 22, 2004, she stated in the relevant part:

Furthermore, one of the things we talked about during our meeting is your being politically active in the fight against gay marriage. You told me that one of the reasons you were doing it was that you did not want your children growing up believing homosexuality was normal. Ignoring your insensitivity as to how that comment made me personally feel, I then asked you, "what about my child?" I had hoped that you would take her into consideration and contemplate how your actions were negatively affecting her by denying her civil protections. Since our meeting, it has come to my attention that you subsequently wrote a letter to the editor in *The Times* speaking out against gay marriage. You have left me completely at a loss as to how I should not take this as a personal attack against my family and me. . . .

Therefore, your lack of good faith, questionable motivations, and continued involvement in activities that are harmful to my family have left me with no choice but to cease any extracurricular association with you at this time. . . . If, in the future, I am convinced that your position has been clarified and/or changed, I would be willing to open discussions once again.

A copy Ms. Duffy-Greslo's e-mail of August 22, 2004, is attached as Exhibit 30 to this Complaint. (*See also* Compl. Ex. 23 ¶ 10.)

146. In a subsequent telephone conversation, Ms. Duffy-Greslo told Mr. Ford: "You have to abandon your religion if you are going to be friends with me." (*See also* Compl. Ex. 23 ¶ 10.)

147. On September 3, 2004, the MFT Program faculty held an orientation meeting with the incoming class of students. At this meeting, the faculty outlined the memorandum from August 23, 2004, which explained that the MFT Program had adopted the positions of the APA on "same-sex marriage" and same sex parenting. (*See* Compl. ¶ 122 (explaining the MFT Program's new policy).) The faculty also indicated that they would refuse to write letters of recommendation for any student who did not approve of "same-sex marriage" or same-sex parenting. In addition, the faculty indicated that anyone who was found to be "discriminatory" toward "LGBT" individuals had no place in the MFT Program. According to them, marriage and family therapists are healers, and healers could not take positions contrary to the advocates of homosexual conduct.

148. On September 7, 2004, Mr. Ford had a follow up meeting with Defendant Wetchler. Defendant Wetchler inquired as to whether Mr. Ford had changed his views on "same-sex marriage" and again insisted that Mr. Ford apologize for writing the letter to the editor. Mr. Ford stated that his views on the subject had not changed, that he would not apologize for exercising his constitutional freedoms, and that he would not be satisfied until the faculty dropped this entire matter.

F. ETHICS CLASS

149. In the fall of 2004, Defendant Hecker's ethics class focused on reparative therapy, therapy for those who wish to overcome their attraction to members of the same sex. At the end

of class on September 29, 2004, she handed out worksheets that described an ethical dilemma. This dilemma involved a male, church-going therapist who recommended that a client and his family consider reparative therapy and directed them to National Association of Research and Therapy of Homosexuality (NARTH). This counseling involved reparative therapy, and Defendant Hecker characterized it as completely unethical. A copy of the original dilemma from Defendant Hecker's class is attached as Exhibit 31 to this Complaint.

150. As this ethics class included four people who engaged in homosexual conduct and three members of the LDS Church, Mr. Ford summarized his apprehensions regarding this assignment to Dr. Byrd: "I feel like I am walking into a trap." A copy of Mr. Ford's e-mail to Dr. Byrd on September 29, 2004, is attached as Exhibit 32 to this Complaint.

151. But at the beginning of class on October 6, 2004, Defendant Hecker passed out new worksheets, stating that the old ones were incorrect. The new worksheets involved a female church-going therapist who was counseling a client whose parents believed that homosexuality was a sin. But the rest of the details remained unchanged. A copy of this revised dilemma from Defendant Hecker is attached as Exhibit 33 to this Complaint. (*See also* Compl. Ex. 23 ¶ 19.)

152. During the ethics class, Defendant Hecker spent six class hours discussing an article that she had co-authored with Ms. Duffy-Greslo. This article consistently portrayed non-religious, morally permissive individuals as tolerant, healthy, mature, and well-developed people. In contrast, it portrayed religiously orthodox people with traditional moral values as stunted, immature, and less developed people.

G. INORDINATE SCRUTINY OF MR. FORD

153. During October of 2004, Defendant Hecker began evaluating Mr. Ford's work with additional scrutiny that she did not apply to the work of other students. For the first time,

she began requiring Mr. Ford to rewrite his case notes, something he had never been required to do before. And she required him to do so four (4) times. As clinical supervisor, she would review the case notes of students. She would note minor errors on “post-it” notes, but she would record more substantial errors on formal sheets that featured a check list of possible infractions. During this month, Mr. Ford received fifteen of these formal infraction sheets for his case notes. However, none of the boxes on the checklist were marked. Instead, Defendant Hecker had written the infraction in the margin. When Mr. Ford compared his evaluated case notes with other students, he discovered that he had made the same errors as his fellow students. But Defendant Hecker gave the other students the informal “post-it” note reminders while she issued him the formal infraction sheets. Mr. Ford was the only student to whom Defendant Hecker gave the formal infraction sheets.

154. On October 26, 2004, Defendant Hecker encountered Mr. Ford in the hallway and assigned him several new articles from *The Journal of Marriage and Family Therapy* and instructed him to read them in preparation for class the following day. These articles also pertained to reparative therapy. Mr. Ford informed Defendant Hecker that he already had the articles and that he had already read them.

155. In class on October 27, 2004, Defendant Hecker tried to discuss the articles that she had assigned from *The Journal of Marriage and Family Therapy* the day before. But, as very few students had read them (one of which was Mr. Ford), the discussion faltered. So instead, Defendant Hecker started discussing how the LDS Church had refused to accept blacks as members until relatively recently. At one point, she asked the class: “How could a church not allow blacks to become members until the 1970s?” (*See also* Compl. Ex. 23 ¶ 19.)

156. After these experiences, Mr. Ford and Dr. Byrd seriously discussed taking legal

action against PUC. But again, Mr. Ford feared that doing so would jeopardize his graduation and instead opted to document the abuses for future reference and use. (*See* Compl. Ex. 23 ¶ 20.)

157. During the fall of 2004 and the spring of 2005, Mr. Ford counseled with a client who was going through marital difficulties. At the time, she was uncertain whether she should remain with her husband or pursue a divorce. Mr. Ford attempted to help her think through the consequences of either choice.

158. When Defendant Hecker reviewed Mr. Ford's case notes, she told Defendant Wetchler that she was concerned about Mr. Ford's approach. Shortly thereafter, Defendant Wetchler ordered Mr. Ford to counsel this client to pursue divorce, to advise the client to seek legal counsel, and to ensure that her bank account was protected. A redacted copy of Mr. Ford's case note, with Defendant Hecker's annotation for Defendant Wetchler, is attached as Exhibit 34 to this Complaint.

159. After Mr. Ford complied with Defendant Wetchler's orders, the client never returned for further counseling.

160. During this controversy, Defendant Hecker stated that if Mr. Ford pursued any other course of counseling with this client, he would be forcing his religious beliefs on the client.

H. THESIS COMMITTEE PROTECTION

161. In October of 2004, Mr. Ford began assembling the thesis committee to review his master's thesis.

162. By this time, the evidence of discrimination and retaliation against Mr. Ford was so great that he and Dr. Byrd feared that the MFT Program faculty would not grade his thesis fairly. (*See also* Compl. Ex. 23 ¶ 21.)

163. To prevent any such problems, Dr. Byrd worked with Mr. Ford to get Dr. Philip

Sutton, one of Dr. Byrd's colleagues and a Purdue University alumnus, appointed to Mr. Ford's thesis committee. Dr. Sutton agreed to serve in this capacity to insure that Mr. Ford received a fair evaluation. (*See also* Compl. Ex. 23 ¶ 21.)

164. On the date that Mr. Ford put forth his formal proposal of his thesis committee, Mr. Ford saw Defendants Wetchler and Trepper discussing Dr. Sutton's presence on the thesis committee. In particular, they were discussing Dr. Sutton's activities with the National Association of Research and Therapy of Homosexuality and whether he had sufficient expertise to serve on this committee. But when they saw Mr. Ford walking down the hall, Defendant Wetchler closed the door to Defendant Trepper's office.

165. Without Dr. Sutton on the thesis committee, there is a strong possibility that Mr. Ford would not have been allowed to graduate. (*See also* Compl. Ex. 23 ¶ 22.)

I. AAMFT SITE VISIT

166. On October 25, 2004, the American Association of Marriage and Family Therapists (AAMFT) held a site visit for the purpose of reaccrediting the PUC MFT Program. The AAMFT officials held a group meeting to discuss student concerns, but Mr. Ford remained silent at this meeting for fear of inviting more retaliation from Defendants if he spoke.

167. At the end of the meeting, AAMFT officials offered to hear other student concerns in a confidential setting. That evening, Mr. Ford accepted this offer and called Dr. Tom Smith, one of the evaluators. Mr. Ford explained all of the religious discrimination and retaliation he had experienced at the hands of the MFT Program faculty. But Dr. Smith advised him to remain silent so that he could graduate without experiencing more trouble. A copy of an e-mail from Mr. Ford to Dr. Byrd on October 25, 2004, describing the conversation with Dr. Smith is attached as Exhibit 35 to this Complaint.

J. APPLICATION TO DOCTORAL PROGRAMS

168. Despite Defendants' threats to withhold any letters of recommendation, Mr. Ford began researching doctoral programs and applying to them in 2005. (*See* Compl. ¶¶ 128–32, 144, 147 (describing Defendants' threats).)

169. As part of his research, Mr. Ford visited the campus of Texas Tech University. While there, he stayed with Mr. Graf, and he briefly described to Mr. Graf all of the discrimination and retaliation he had suffered at the hands of Defendants. At this point, Mr. Graf noted that he had experienced none of these things and that he had no objection to the therapy advocating homosexual behavior that the MFT Program faculty promoted.

170. In April 2005, Mr. Ford first requested that Defendant Trepper write a letter of recommendation to accompany his applications to doctoral programs.

171. In May 2005, Mr. Ford received an e-mail from his fellow student and former friend, Ms. Duffy-Greslo. (*See* Compl. ¶ 90 (introducing Ms. Duffy-Greslo).) Though she was merely sending him some spreadsheets, she could not resist dredging up his refusal to change his religious convictions at her demand. In her e-mail, she wrote in the relevant parts:

It took me so long to get these to you because I thought I should say something to you about our relationship. I just want to make it clear to you that nothing has changed between us. I am still deeply hurt by your actions and words. I have not forgiven you for either. I am only sending you these spreadsheets because I believe there is some karmic value in doing so. I am making your life easier, while you are working to make my family's life more difficult. Although the impact of my action is certainly less than the impact of your actions, I still find it quite ironic.

A copy of an e-mail containing the text of Ms. Duffy-Greslo's e-mail is attached as Exhibit 36 to this Complaint.

172. In the fall of 2005, Mr. Ford applied to several doctoral programs, including the programs at Kansas State University, Brigham Young University, and Texas Tech University.

173. On July 20, 2005, Mr. Ford met with Defendant Wetchler to determine whether the faculty would write letters of recommendation on his behalf. Defendant Wetchler agreed to do so because Mr. Ford had “grown up.” But he could not answer for the others. Instead, Mr. Ford would have to approach them individually.

174. In October 2005, Mr. Ford met with Defendant Wetchler to discuss his prospects for doctoral programs. At this time, Mr. Ford noted that his top choice was Brigham Young University, a fact that Defendant Wetchler strongly disapproved. Instead, Defendant Wetchler encouraged Mr. Ford to attend Kansas State University or Texas Tech University because those schools had LDS faculty members who agreed with the MFT Program’s beliefs concerning sex therapy for same sex couples. (*See* Compl. ¶ 99 (describing prior attempts to refer Mr. Ford to these schools).)

175. Around the same time, Mr. Ford met with Defendant Trepper to see if he would write a letter of recommendation, and he promised to write Mr. Ford a “strong” letter.

176. In October 2005, several MFT Program faculty members, including Defendant Wetchler, intimated to Mr. Ford that he must be “gay” because he was not “pro-gay.” According to them, those who oppose the agenda of the advocates of homosexual conduct do so because they are repressing their own homosexual desires. Defendant Wetchler and others repeatedly asked Mr. Ford why someone as sensitive as himself would take a stand on issues relating to homosexual conduct and why he cared about these issues.

177. On November 2, 2005, Defendant Wetchler sent Mr. Ford an e-mail asking questions about the information Mr. Ford had provided to help him in writing the letter of recommendation. A little over two hours later, Mr. Ford responded explaining the purpose for each item that he provided Defendant Wetchler so as to facilitate the letter-writing process. A copy of the e-mail correspondence between Defendant Wetchler and Mr. Ford is attached as

Exhibit 37 to this Complaint.

178. On November 19, 2005, Defendant Trepper sent Mr. Ford an e-mail asking for additional information in order to write the letters of recommendation and inquiring about some of the programs to which Mr. Ford was applying. Mr. Ford responded within two hours noting that he would supply the needed information. A copy of the e-mail interchange from November 19, 2005, between Mr. Ford and Defendant Trepper is attached as Exhibit 38 to this Complaint.

179. For Mr. Ford's application to Brigham Young University, the letters of recommendation were due at the end of December 2005. Defendant Trepper's letter did not arrive until after the due date sometime in January 2006. A copy of the e-mail correspondence between Mr. Ford and Brigham Young University regarding this letter of recommendation is attached as Exhibit 39 to this Complaint.

180. On January 31, 2006, Mr. Ford learned that Brigham Young University had rejected his application. The e-mail notifying him of this is attached as Exhibit 40 to this Complaint.

181. Defendant Wetchler never sent a letter of recommendation for Mr. Ford to Kansas State University. As a direct result, Kansas State University rejected Mr. Ford's application in February of 2006.

182. In May of 2006, Mr. Ford graduated from PUC's MFT Program with a Master's Degree in Child Development and Family Studies with a specialty in Marriage and Family Therapy.

K. DEFENDANT TREPPER'S CAREER CHANGE

183. In December 2006, Defendant Trepper lost his position as professor in the MFT Program and now serves as professor of psychology in PUC's Department of Behavioral Sciences.

184. Upon information and belief, Defendant Trepper's transfer resulted from allegations of harassment. During the investigation, several students were interviewed about

their interactions with Defendant Trepper, and these questions centered around issues of harassment and sexual harassment.

185. As a result of this investigation, Defendant Trepper is no longer a part of the MFT Program, can no longer teach graduate students, and can no longer serve on the thesis committees for graduate students.

186. Beginning with his initial interviews and continuing through graduation, Mr. Ford experienced a constant pattern and practice of religious discrimination, retaliation, undue scrutiny, and isolation from Defendants. They threatened to expel him from the MFT Program and to interfere with his professional career simply because he would not recant, renounce, or change his religious beliefs. In addition to affecting his professional advancement, all of this had a significant negative impact on Mr. Ford personally. At times, the stress sparked depression, and at other times, it prevented him from being able to concentrate at all on his academic and clinical responsibilities. Rather than fostering a healthy atmosphere for academic development, Defendants created an environment of intimidation, fear, and ostracization for students who disagreed with the University's dogma on issues related to marriage and sexuality. (*See also* Compl. Ex. 23 ¶ 24.)

FIRST CAUSE OF ACTION

First Amendment Retaliation (42 U.S.C. § 1983)

187. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

188. By conditioning Mr. Ford's acceptance into the MFT Program on his answers to questions about his religious beliefs, by targeting him with a "special agenda" because he expressed those conservative, religiously based perspectives in the classroom, by threatening his status in the MFT Program based on his questions about the subject matter discussed in class, by jeopardizing his status in the MFT Program due to his letter to the editor, by refusing to work

with him due to his letter to the editor, by trying to coerce him into apologizing for his letter to the editor, by threatening to withhold essential letters of recommendation, and by refusing to write letters of recommendation on his behalf, among other things, Defendants, by policy and practice, have retaliated against Plaintiff because of his free expression and deprived him of his clearly established right to express his ideas and religious beliefs freely at Purdue University.

189. Defendants, acting under color of state law, and by policy and practice, have explicitly and implicitly retaliated against Plaintiff for exercising his clearly established right to free speech as secured by the First Amendment to the United States Constitution.

190. Because of Defendants' actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. He, therefore, is entitled to an award of monetary damages, including punitive damages, and declaratory relief.

191. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to an award of monetary damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including his reasonable attorneys' fees.

SECOND CAUSE OF ACTION

Violation of Mr. Ford's First Amendment Right to Freedom of Speech (Viewpoint Discrimination) (42 U.S.C. § 1983)

192. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

193. By conditioning Mr. Ford's acceptance into the MFT Program on his answers to questions about his religious beliefs, by targeting him with a "special agenda" because he expressed those conservative, religiously based perspectives in the classroom, by threatening his status in the MFT Program based on his questions about the subject matter discussed in class, by jeopardizing his status in the MFT Program due to his letter to the editor, by refusing to work with him due to his letter to the editor, by trying to coerce him into apologizing for his letter to

the editor, by threatening to withhold essential letters of recommendation, and by refusing to write letters of recommendation on his behalf, among other things, Defendants, by policy and practice, discriminated on the basis of viewpoint and deprived Plaintiff of his clearly established right to express his ideas and religious beliefs freely at Purdue University.

194. Defendants, acting under color of state law, and by policy and practice, have explicitly and implicitly discriminated against Plaintiff for exercising his clearly established right to free speech as secured by the First Amendment to the United States Constitution.

195. Because of Defendants' actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. He, therefore, is entitled to an award of monetary damages, including punitive damages, and declaratory relief.

196. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to an award of monetary damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

THIRD CAUSE OF ACTION

Violation of Mr. Ford's First Amendment Right to the Free Exercise of Religion (42 U.S.C. § 1983)

197. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

198. By conditioning Mr. Ford's acceptance into the MFT Program on his answers to questions about his religious beliefs, by targeting him with a "special agenda" because he expressed those conservative, religiously based perspectives in the classroom, by threatening his status in the MFT Program based on his questions about the subject matter discussed in class, by jeopardizing his status in the MFT Program due to his letter to the editor, by refusing to work with him due to his letter to the editor, by trying to coerce him into apologizing for his letter to the editor, by threatening to withhold essential letters of recommendation, and by refusing to

write letters of recommendation on his behalf, among other things, Defendants, by policy and practice, penalized Plaintiff because of his religious beliefs and have denied him his clearly established First Amendment right to the free exercise of religion at Purdue.

199. Defendants, acting under color of state law, and by policy and practice, have explicitly and implicitly penalized Plaintiff because of his religious beliefs and have denied him his clearly established First Amendment right to the free exercise of religion at Purdue.

200. Because of Defendants' actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. He, therefore, is entitled to an award of monetary damages, including punitive damages, and declaratory relief.

201. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to an award of monetary damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including his reasonable attorneys' fees.

FOURTH CAUSE OF ACTION

Violation of Mr. Ford's Fourteenth Amendment Right to Equal Protection of the Law (42 U.S.C. § 1983)

202. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

203. By conditioning Mr. Ford's acceptance into the MFT Program on his answers to questions about his religious beliefs, by targeting him with a "special agenda" because he expressed those conservative, religiously based perspectives in the classroom, by threatening his status in the MFT Program based on his questions about the subject matter discussed in class, by jeopardizing his status in the MFT Program due to his letter to the editor, by refusing to work with him due to his letter to the editor, by trying to coerce him into apologizing for his letter to the editor, by threatening to withhold essential letters of recommendation, and by refusing to write letters of recommendation on his behalf, among other things, Defendants, by policy and

practice, treated Plaintiff differently than similarly-situated students and deprived Plaintiff of his ability to express his ideas and religious beliefs freely at Purdue.

204. Defendants, acting under color of state law, and by policy and practice, have explicitly and implicitly discriminated on the basis of viewpoint and deprived Plaintiff of his clearly established right to equal protection of the law secured by the Fourteenth Amendment to the United States Constitution.

205. Because of Defendants' actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. He, therefore, is entitled to an award of monetary damages, including punitive damages, and declaratory relief.

206. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to an award of monetary damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

WHEREFORE, Plaintiff Jeffrey J. Ford respectfully requests a jury trial and that the Court enter judgment against Defendants Michael J. Flannery, Joseph Wetchler, Lorna Hecker, and Terry S. Trepper, and provide Plaintiff with the following relief:

(A) A declaration stating that Defendants violated Mr. Ford's clearly established First Amendment right to free speech;

(B) A declaration stating that Defendants violated Mr. Ford's clearly established First Amendment right to the free exercise of religion;

(C) A declaration stating that Defendants violated Mr. Ford's clearly established Fourteenth Amendment right to equal protection under the law;

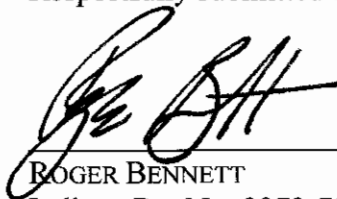
(D) Monetary damages (including punitive damages for Defendants actions in their

individual capacities) for infringing on Mr. Ford's exercise of his clearly established First and Fourteenth Amendment rights;

(E) Mr. Ford's reasonable attorneys' fees, costs, and other costs and disbursements in this action pursuant to 42 U.S.C. § 1988; and

(F) All other further relief to which Mr. Ford may be entitled.

Respectfully submitted this ~~17th~~ day of August, 2007.



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ATTORNEYS FOR PLAINTIFF

**Application for Admission filed concurrently
herewith*

VERIFICATION OF COMPLAINT

I, Jeffrey J. Ford, a citizen of the United States and resident of the State of Utah, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged are true and correct.

Executed this 2nd day of August, 2007, at St. George, Utah.


Jeffrey J. Ford