



February 19, 2025

VIA EMAIL

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OCR.Denver@ed.gov

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Re: Civil Rights Complaint Against Embry-Riddle Aeronautical University for Violations of Title VI, Title IX, and Recent Trump Administration Directives

Dear Office for Civil Rights,

Young America's Foundation writes to alert you to significant and ongoing civil rights violations against conservative students at Embry-Riddle Aeronautical University.

Introduction and Basic Principles.

Young America's Foundation is a national, conservative nonprofit dedicated to championing traditional values and free speech on college campuses. Students associate with YAF by becoming members and forming YAF chapters. This association enables students to exercise their civil rights in unique ways on campus by conducting activism initiatives such as the "Detransitioners Day of Visibility," a YAF project that warns of the dangers of transgenderism and the psychological consequences of "transitioning."¹ YAF activists also host speakers on current issues, such as Matt Walsh for his "What is a Woman" tour. YAF activism

¹ <https://yaf.org/detrans/>



spans topics from the sanctity of human life to YAF's "9/11 Never Forget" project, which honors the lives lost

in that horrific terror attack. All of this association and expression is protected by the First Amendment, and all of it draws the ire of the campus left.

YAF activists face significant discrimination on campus, where extremist administrators and faculty use so-called and often self-assigned authority to block conservative speech. YAF provides logistical and legal support to vindicate student civil rights, including filing lawsuits when necessary.²

YAF applauds the Trump Administration's dedication to championing the rights of all students. For too long, leftist administrators have bullied students who challenge evil ideas such as affirmative action and gender transitions. As the leading conservative student organization in America, YAF and our campus activists are in the best position to assist the administration in its efforts to dismantle racialist and gender ideology and to rid schools of DEI bullies who set out to harm the very students they are supposed to be serving.

Embry-Riddle Aeronautical University.

On behalf of our YAF members at Embry-Riddle Aeronautical University (ERAU) and all truth-seeking students on ERAU campuses, YAF requests that the OCR open a formal investigation into ERAU for its promotion of DEI and gender ideology in violation of civil rights laws and President Trump's executive orders. As specific bases for investigation, YAF submits the following facts:

In October, 2024, ERAU enacted a speech ban, which it continues to enforce selectively against conservatives. The speech ban prohibits "any outdoor events and demonstrations" "related to religious and political causes."

² See, e.g., *YAF v. University of Utah* (YAF sent a demand letter when University police shut down the YAF Chapter's screening of "Damaged," a documentary about the dangers of transgenderism, to please leftist hecklers who had taken over the chapter's reserved screening room, shouting down the film); *YAF v. University of California, Los Angeles*, C.D. Cal., No. 2:24-cv-08507 (complaint filed Oct. 3, 2024) (UCLA administrators blocked the YAF chapter from hosting a peaceful pro-Israel event, supposedly "security" reasons but provided significant security to protect violent anti-Israel encampments); and *Johnson v. University of Colorado, Boulder*, D. Colo., No. 1:25-cv-00390 (complaint filed Feb. 5, 2025) (A leftist professor conspired with the DEI office to punish a student for stating opinions on "pride month" with which they disagreed).



Oct. 23, 2024

Updated Guidance Regarding Campus Events and Demonstrations

Dear Students,

The world we live in continues to evolve and change, and we understand that much of what is happening globally is close to the hearts of our students. Many of these events are difficult and tragic, and we are saddened by these heartbreaking developments. Despite worldwide turmoil, Embry-Riddle is committed to providing a safe space for our students to live and learn.

While we respect the right of individuals to engage in self-expression based on their beliefs, the mission of Embry-Riddle is to provide all of our Eagles with the safety to receive a premier education in the science, practice and business of aviation and aerospace and develop individually and professionally.

As always, students are welcome to set up, recruit for, join and participate in student organizations that align with their interests and beliefs. However, to ensure the safety of all of our students, and out of an abundance of caution, **we will only be supporting indoor events related to religious and political causes.** For the protection of each and every Eagle on our residential campuses and to provide an interrupted and meaningful experience, **any outdoor events and demonstrations are prohibited until further notice.**

We will continue to engage in dialogue with students of all backgrounds and beliefs, respecting those positions, while also keeping in mind students' future plans and opportunities.

Thank you for your attention and your understanding related to this matter. If you have any questions or need assistance facilitating meaningful indoor events, please contact the [Chaplain's Office \(chaplain@erau.edu\)](mailto:chaplain@erau.edu) for the Daytona Beach Campus, or the Dean of Students Office (prdos@erau.edu) for the Prescott Campus.

One student activist, deeply concerned by the ban, sought more information from university officials, including Chancellor Dr. Ken Witcher. These officials refused to discuss the



matter in writing but personally informed the student that activism would be permitted only behind closed doors with security present. This was, according to the officials, “the spirit of the policy [ban].”

Since before the speech ban to the current day, ERAU has consistently blocked the ERAU YAF chapter from conducting any conservative activism on issues related to religion, DEI, or gender ideology. ERAU has blocked:

1. A “Stand with Israel” display consisting of Israeli flags showing support for the state of Israel, Jewish students everywhere, and opponents of terrorism
2. A “9/11: Never Forget” memorial
3. A “Biology Basics activism project” intended to counter the lie at the heart of transgenderism
4. Handing out flyers to promote a speech by truth-teller, detransitioner, and transgender surgery opponent Chloe Cole
5. A “Funeral for Halloween” activism project lampooning “politically correct” restrictions on costumes that commit “cultural appropriation”
6. The YAF chapter’s goal of bring Chloe Cole to campus to present her views to those Embry-Riddle students who might wish to learn from what she has to say
7. A “Where Does Life Begin?” project showing the various stages of fetal development to expose students to the reality of life in the womb

The above list relates to ERAU’s Prescott campus alone. Last fall, the Daytona Beach YAF chapter partnered with the campus Hillel group and a Muslim student group to conduct activism in honor of the lives lost to anti-Jew violence in the October 7th massacre. ERAU refused to even consider a flag display, but did agree to an outdoor candle display. ERAU insisted, however, that the display be focused on all lives lost to terrorism at any point – completely destroying the meaning of the display. The students were further banned from referencing Israel or Hamas in any way. Thus, ERAU blocked the YAF chapter from showing any support for the Jewish people.

These bans, which were just a run-up to the total speech ban, lacked any support in ERAU’s rules. The student handbook and event registration³ pages lack any guidelines for what may or may not be “approvable.” ERAU administrators used their positions of power, devoid of any actual authority, to ban YAF events.

³ <https://eaglelife.erau.edu/dse/rso-event-registration/>



Last semester, ERAU committed its most atrocious, blatant act of discrimination against conservative students yet. After updating its speech ban to permit expression on “recognized religious holidays,” as evidenced here:

Registered Student Organization Update from the Department of Student Engagement

Updated Policy on Outdoor Religious Activities

We are writing to reiterate the updated guidance regarding campus events, as sent to students on December 2, 2024.

The decision has been made to relax restrictions on outdoor or public events that celebrate recognized religious holidays.

What Does This Mean?

Beginning immediately, approved student organizations that would like to participate in any outdoor or public peaceful expressions of recognized religious holidays will be able to resume those activities with the same approvals that were in place prior to October 2024. Approval for these activities remains in line with policies and procedures put in place by the Deans of Students at Daytona Beach and Prescott.

It is important to note that we are only supporting outdoor and public events related to recognized religious holidays.

ERAU approved a pro-transgenderism activism project on the “Day of Trans Visibility” – inarguably NOT a religious holiday. This violates Title VI because ERAU has elevated pro-transgenderism to the status of a religion yet refused to permit any pro-Jewish or anti-gender ideology activism. This also violates Title IX because it recognizes sex-based distinctions that are not permitted under law and gives more rights and privileges to one “sexual identity” than to another.

Request for Investigation and Enforcement.

ERAU has staunchly refused to acknowledge the rights of truth-speaking students. President Trump has armed and directed the Office of Civil Rights to investigate and defund schools that violate civil rights laws.



1. **Executive Order No. 14151.**

President Trump has determined to **End Radical and Wasteful Government DEI Programs and Preferencing**. To accomplish this goal, President Trump has empowered ED to “terminate...all DEI...offices and positions” as well as “all ‘equity action plans,’ ‘equity’ actions, initiatives, or programs, [and] ‘equity-related’ grants or contracts.”

ERAU accepts federal funds. These funds enable ERAU to violate civil rights by privileging leftist students with certain benefits but denying those same resources to students of traditional religious and sexual beliefs in violation of this directive.

2. **Executive Order No. 14173.**

President Trump has determined to **End Illegal Discrimination and Restore Merit-Based Opportunity**. The Trump Administration has acknowledged that American “institutions of higher education have adopted and actively used dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called ‘diversity, equity, and inclusion’ (DEI) or ‘diversity, equity, inclusion, and accessibility’ (DEIA) that can violate the civil rights laws of this Nation.” The administration has further acknowledged that “Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they

deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hardworking Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.” The Trump Administration further ordered the Attorney General to “[t]erminate all...‘equitable deployment of financial...assistance.’”

ERAU’s DEI- and gender-based programs violate a basic premise of the college experience: that hard work and equal treatment, not identity-based opportunity or divisive programs, define student success.

ERAU touts its wrongheaded dedication to identity-based practices. Consider their “Center for Diversity & Inclusion.”⁴ This center “provides resources and advocacy specifically on behalf of women in STEM, people of color, LGBTQ+ persons and students from other diverse identity groups” and its efforts are “especially for students from underrepresented backgrounds,” in violation of this directive.

⁴ <https://prescott.erau.edu/campus-life/diversity-and-inclusion>



3. **Executive Order No. 14168.**

President Trump has determined to **Defend Women from Gender Ideology Extremism and Restore Biological Truth to the Federal Government**. The Trump Administration has ordered that “Federal funds shall not be used to promote gender ideology. [ED] shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.”

ERAU has chosen, in its own words and through its selective sponsorship of student speech, to permit gender extremism to permeate ERAU campuses. It has set itself against any speech that challenges gender ideology. Just recently, an administrator doubled down on the school’s draconian speech ban in attempts to silence YAF activists who were merely seeking to organize an on-campus activism event on the biological reality that there are two sexes. In a message to YAF activists, ERAU Director of Student Engagement Kelsey Tempas issued the following bizarre decree in violation of this directive:

Discussions about the number of genders has[sic] been determined to meet our definition of political content. Thus, per current campus policies this event cannot take place in outdoor or other public spaces (including tabling locations). If you would like to shift your event to a classroom or other private location, I’m happy to facilitate finding you a new location.

4. **Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.**

ED has stated that “[a]ll students are entitled to a school environment free from discrimination.” ED therefore has advised schools to “ensure that their policies and actions comply with existing civil rights law” and “cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends.” ED has stated that DEI programs violate these directives because they “frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not. Such programs stigmatize students who belong to particular racial groups based on crude racial stereotypes. Consequently, they deny students the ability to participate fully in the life of a school.”

ERAU has proven its dedication to DEI and division by their consistent blockading of any speech or expression that defies leftist tenets.

ERAU purports to ban political expression and purportedly considers “the number of genders” to be political; yet pro-transgender activists are permitted to express themselves freely.



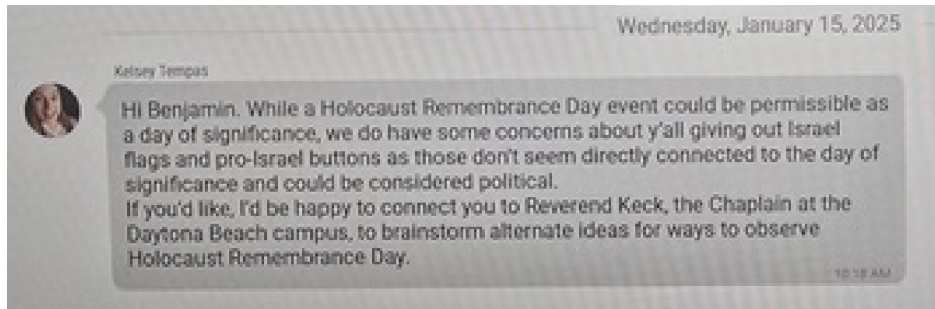
Further, an official school Instagram page published the following post⁵ in violation of this directive:



Allegations against ERAU

1. ERAU's speech ban blocks all religious speech. ERAU prioritizes so-called secular speech and discriminates against religious students. This violates Title VI, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
2. ERAU has banned any show of support for the Jewish State and its citizens. For example, ERAU banned YAF students from creating an Israeli flag display and from memorializing Holocaust Remembrance Day.

⁵ <https://www.instagram.com/eraucounseling/p/DCmGRgaIDA-/>



In contrast, ERAU permits pro-gender ideology adherents to display whatever flag they want.



This discriminates against Jewish and religious students. This violates Title VI, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.

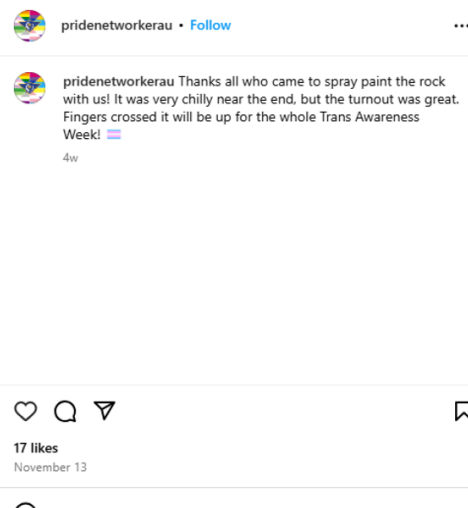


3. ERAU treats “secular” days better than it treats religious days. In the alternative, ERAU elevates certain leftist days, like “Coming Out Day” and the “Day of Transgender Visibility” to the status of religious holidays and permits activists to express themselves on those days, in spite of ERAU’s speech ban, thereby favoring the religion of gender ideology over other religions. As shown below, ERAU permitted students to commemorate both of these leftist days of celebration through outdoor activism.

National Coming Out Day:



Day of Transgender Awareness Day:





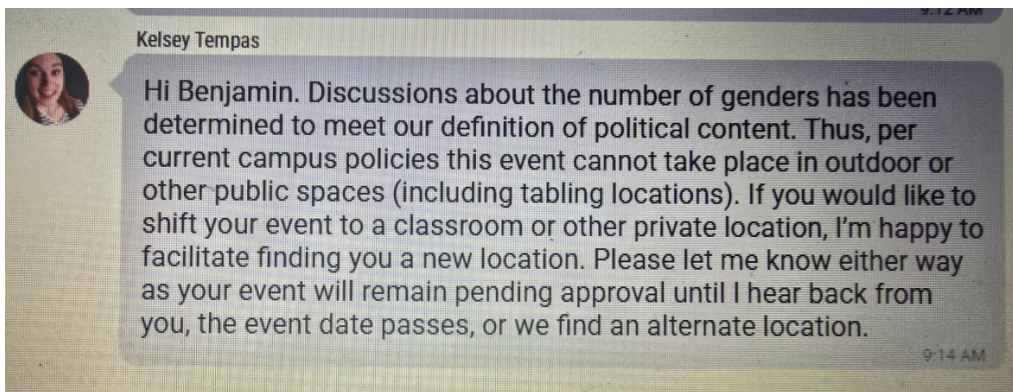
ERAU, however, continues to refuse the YAF chapter's requests to express themselves on any topic whatsoever. In doing so, ERAU recognizes sex-based distinctions that are not legitimate under law and discriminates on the basis of religion. This violates Title VI, Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.

4. ERAU has banned the YAF chapter from discussion of biological sex by blocking the chapter's Biology Basics activism project intended to counter the lie at the heart of transgenderism. In doing so, ERAU recognizes sex-based distinctions that are not legitimate under law, discriminates against traditional students, and blocks the free speech of students who would say there are only two sexes. This violates Title VI, Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
5. ERAU has banned the YAF chapter from hosting an event with Chloe Cole. In doing so, ERAU recognizes sex-based distinctions that are not legitimate under law, discriminates against traditional students, and blocks the free speech of students who would say there are only two sexes. This violates Title VI, Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
6. ERAU has banned the YAF chapter from advertising an event with Chloe Cole because ERAU is afraid of and/or dislikes Ms. Cole's ideas which go against dangerous gender ideology. In doing so, ERAU recognizes sex-based distinctions that are not legitimate under law, discriminates against traditional students, and blocks the free speech of students who would say there are only two sexes. This violates Title VI, Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
7. ERAU has banned the YAF chapter's "Funeral for Halloween" activism project lampooning "politically correct" restrictions on costumes that commit "cultural appropriation" This ban is inherently race- and ethnicity-based because it dictates that only people of the "correct" race or ethnicity can speak about that race/ethnicity or the attendant culture. For example, this ban holds that only Mexican people can speak about Mexican culture or only white people can speak about Dutch culture. Thus, ERAU discriminates against students based on race/ethnicity. This violates Title VI, Executive Order No. 14151, Executive Order No. 14173, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
8. ERAU's Center for Diversity and Inclusion is a DEI program, not even in disguise. It offers resources expressly based on sex/racial characteristics and uses the terminology of



radical gender ideology. This violates Title VI, Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.

9. ERAU's counseling services recognize and push transgender ideology, including by recognizing sex-based distinctions that are not legitimate under law. This violates Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.
10. In its most recent act of discrimination, ERAU doubled down on its pro-gender ideology position by blocking another YAF event on the topic of biological reality. The administrator who denied the event stated:



This violates Title IX, Executive Order No. 14151, Executive Order No. 14173, Executive Order No. 14168, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.

Based on the above, YAF urges the OCR to open a formal investigation into ERAU and to apply appropriate remedial actions. To the extent that any of this information falls outside the OCR's subject-matter jurisdiction, we request that you refer that portion of the complaint to the Attorney General for further action.



Conclusion.

YAF looks forward to seeing American colleges truly become the “marketplace of ideas,” where speech is free in both policy and fact, and the only identity that matters is each student’s dignity as a human being. Please contact me if I can provide further assistance or information.

Sincerely,

A handwritten signature in black ink, appearing to read "MH", with a long horizontal flourish extending to the right.

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