



May 26, 2022

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Sent via email and U.S. Mail

Re: Violation of Inara Ramazanova's constitutional and statutory rights in denying her on-campus housing for the 2021–22 academic year.

Dear President Pescovitz, Dean Wadsworth, and Vice President Farnam:

First Liberty Institute is a national public interest law firm dedicated to defending and restoring religious liberty for all Americans. We represent Inara Ramazanova, a December 2021 graduate of Oakland University ("OU"), whom you evicted from campus housing after she engaged in protected speech and aided other students in the exercise of their protected civil rights. Please direct all communication on this matter to my attention.

Last summer, OU granted Ms. Ramazanova a religious accommodation from the university's COVID-19 vaccine mandate. The accommodation would have allowed her to reside on campus for the 2021–22 academic year. However, OU evicted Ms. Ramazanova after it deemed her protected, religious speech, which Ms. Ramazanova intended to aid others in the exercise of their rights, to be “collusion or conspiracy” under the OU’s Code of Conduct for sharing about COVID-19 religious accommodations in a private Facebook group. OU’s decision forced Ms. Ramazanova to spend her final semester at OU living at home and attending classes online while participating in OU-required weekly COVID-19 testing on campus. OU also placed a disciplinary record in her student file maintained by the Dean of Students’ office, which will remain there for approximately the next seven years and potentially affect her future academic or professional pursuits. This conduct violated Ms. Ramazanova’s rights under the Free Exercise and Free Speech Clauses of the First Amendment and the Fair Housing Act.

Background

Ms. Ramazanova was a student at OU from September 2018 to December 2021, when she graduated five months early. She was an exemplary student at OU, garnering numerous scholarships and achieving excellent grades, and was highly regarded for her leadership and personal qualities among her peers. She loved attending OU and especially loved living on campus. After spending the past two years attending online classes due to the disruptions caused by the pandemic, Ms. Ramazanova looked forward to immersing herself in on-campus life for the 2021–22 academic year and was thrilled that she received another round of scholarships to cover her housing costs.

In the summer of 2021, OU instituted a COVID-19 vaccine mandate requiring “all students, faculty and staff planning to attend in-person courses and all other university activities on campus and at off-site locations be vaccinated against the COVID-19 virus for the 2021–2022 academic year.”¹ OU provided religious and secular exemptions to its COVID-19 vaccine policy. This exemption process is administered by the dean of students.² Once granted an exemption, OU permitted exempt students to attend class and reside in on-campus housing with their vaccinated peers, so long as they complied with OU’s COVID-19 weekly testing policy.³

¹ <https://oakland.edu/return-to-campus/vaccine-mandate-faqs/#:~:text=Oakland%20University%20currently%20requires%20that,fully%20vaccinated%20against%20COVID%2D19.>

² <https://www.oakland.edu/deanofstudents/student-exempt-forms/>

³ <https://oakland.edu/return-to-campus/>

Because of their religious beliefs, Ms. Ramazanova's parents refused vaccines for her since she and her family immigrated to the United States from Russia thirteen years ago. While their refusal was based on their sincerely held religious beliefs, the Ramazanovas had never been required to explain their religious objections to vaccination in writing. Since the religious accommodation process for many COVID-19 vaccine mandates requires a written explanation, Ms. Ramazanova began researching how best to create a written religious accommodation request.

During her information gathering process, Ms. Ramazanova joined a private Facebook group about vaccine religious accommodations. She also received a sample religious accommodation request letter that accurately expressed her religious objection to receiving the COVID-19 vaccines. In other words, the views expressed in the letter were the same views shared by Ms. Ramazanova, and she used relevant content from the letter to request a religious exemption to OU's COVID-19 vaccine mandate.

On June 21, 2021, Ms. Ramazanova applied for a religious exemption to OU's COVID-19 vaccine mandate. OU granted Ms. Ramazanova's exemption request on June 29, 2021, which secured her spot in OU on-campus housing for the fall semester.

After receiving her exemption to OU's COVID-19 vaccine mandate, Ms. Ramazanova shared her request and her granted exemption in the Facebook group with the hope that it would be useful to others. Many members of the group were asking questions on how to best express their sincerely held religious beliefs and receive a religious accommodation. Ms. Ramazanova merely shared her information to help those who were struggling with expressing their sincerely held religious beliefs in writing.

OU, upon learning that Ms. Ramazanova shared her story and her religious accommodation request in the Facebook group (and despite there being no rule prohibiting the sharing of such requests), demanded that Ms. Ramazanova either confess to "collusion or conspiracy" or attend a hearing before the University Conduct Committee ("Committee") to determine whether she had violated any OU policies.

Prior to the hearing, and as required by OU, on July 13, 2021, Ms. Ramazanova attended a Zoom meeting with the associate dean to discuss the facts related to the charge and her due process options. During the meeting, Ms. Ramazanova explained that her post was not meant to circumvent the university's policy regarding COVID-19 vaccinations. She simply posted information about OU's own religious exemption policy and the religious exemption request that she had submitted to a private Facebook group

that was unaffiliated with OU to assist others who were struggling to convey their sincerely held religious beliefs in writing.

Unfortunately, OU evicted Ms. Ramazanova from her housing after members of the University Conduct Committee (“Committee”) determined in the August 6, 2021, hearing that Ms. Ramazanova’s posting how she asked for a received a religious exemption constituted “collusion or conspiracy” to violate OU policies.⁴

At the August 6, 2021, hearing, there was no evidence that Ms. Ramazanova engaged in “collusion or conspiracy.” The only witness present at the hearing was Ms. Ramos, the Facebook group’s administrator. She advised the Committee that the sole purpose of the group was to help people think critically about COVID-19 vaccines and mandates generally. She confirmed that the private Facebook group had no affiliation with OU and that Ms. Ramazanova’s post was only made in response to general questions presented within the group regarding religious accommodation requests. No other witness spoke at the hearing, and no other evidence was presented.

On August 9, 2021, the Committee informed Ms. Ramazanova that she was responsible for engaging in “collusion or conspiracy” pursuant to the Student Code of Conduct and, therefore, was unable to contract with OU Housing for the 2021–22 academic school year. The Committee’s decision prevented Ms. Ramazanova from using her housing scholarship and required her to reside at home. Even though the Committee’s decision forced Ms. Ramazanova to become a virtual student, OU still required her to comply with OU’s weekly testing policy by driving to school each week to receive a test since it was the only no-cost testing option available to her. On top of all this, OU placed a disciplinary notation that will remain in her student records maintained by the Dean of Students’ office for seven years from the date of the hearing.⁵

Legal Analysis

OU’s disciplining and evicting Ms. Ramazanova because she shared about her religious convictions regarding vaccination and about how she sought and received a religious accommodation from OU—all in an effort to more effectively exercise her civil rights and aid others in doing the same—violated Mr. Ramazanova’s rights under the First Amendment to the U.S. Constitution, which protects free speech and religious exercise, and the federal Fair Housing Act, which prohibits both religious discrimination

⁴ <https://oakland.edu/deanofstudents/student-code-of-conduct/>

⁵ <https://oakland.edu/deanofstudents/student-code-of-conduct/disciplinary-records/>

in housing and taking actions against a person for aiding others in having their religious rights in housing respected.

a. **The First Amendment protects Ms. Ramazanova's speech from punishment by OU.**

“The essentiality of freedom in the community of American universities is almost self-evident Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Keyishian v. Bd. Of Regents of Univ. of State of N.Y.*, 385 U.S. 589, 603 (1967) (quoting *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957)). For these reasons, the Supreme Court precedents “leave no room for the view that because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large.” *Healy v. James*, 408 U.S. 169, 180 (1972).

Last year, in *Mahanoy Area School District v. B.L.*, 141 S. Ct. 2038 (2021), the Supreme Court provided some insight into “the scope of a [K-12] school’s authority to regulate expression that does not occur on school grounds or at a school-sponsored event” and occurs online. In *Mahanoy*, a public high-school suspended a minor student from the cheerleading team after she posted vulgar language and gestures criticizing the school and the school’s cheerleading team in an online forum. The Supreme Court held that the school violated the student’s First Amendment rights by punishing her for the off-campus speech, *id.* at 2048, and it did so despite a public high school’s often standing *in loco parentis* and having more leeway than colleges and universities to regulate student speech, *id.* at 2044–45.

While *Mahanoy* involved a minor student at a public high school, a public university student’s First Amendment rights are even stronger. As the Supreme Court noted in *Healy v. James*, 408 U.S. 169 (1972):

As the case involves delicate issues concerning the academic community, we approach our task with special caution, recognizing the mutual interest of students, faculty members, and administrators in an environment free from disruptive interference with the educational process. We also are mindful of the equally significant interest in the widest latitude for free expression and debate consonant with the maintenance of order. Where these interests appear to compete, the First Amendment, made binding on the States by the Fourteenth Amendment, strikes the required balance.

Id. at 171.

At the time the underlying events in *Healy* took place, there was significant unrest on many college campuses in this country. “Although the causes of campus disruption were many and complex, one of the prime consequences of such activities was the denial of the lawful exercise of First Amendment rights to the majority of students by the few.” *Id.* Even with that context in mind, the Court reiterated that “[t]he college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas,’ and we break no new constitutional ground in reaffirming this Nation’s dedication to safeguarding academic freedom.” *Id.* at 181 (citations omitted).

While OU has a right to reasonably expect that “its students adhere to generally accepted standards of conduct,” that expectation does not permit OU to restrict protected speech, especially in the off-campus environment. *Id.* at 192; *see also Thompson v. Ragland*, 23 F.4th 1252 (10th Cir. 2022). The content of Ms. Ramazanova’s speech—religious expression—did not “place it outside the First Amendment’s ordinary protection . . . [because] her speech was not obscene as [the] Court has understood that term To the contrary, [she] uttered the kind of pure speech to which . . . the First Amendment [] provide[s] strong protection.” *Mahanoy*, 141 S. Ct. at 2046-47 (citations omitted).

The Committee asserted during the August 6, 2021, hearing that its intent in charging Ms. Ramazanova with a disciplinary infraction was to prevent OU students from providing false information to others for the sake of gaining a religious exemption to OU’s COVID-19 vaccine mandate. However, at a time when many individuals and institutions across the nation were providing guidance and templates on the various ways a religious accommodation could be drafted and submitted, it is entirely unreasonable to assume, and there is no evidence indicating, that Ms. Ramazanova engaged with any person in an attempt to violate any provision of the SCC or any other OU policy or applicable law. The Committee’s disciplining Ms. Ramazanova was entirely baseless and a clear violation of her First Amendment rights. Ms. Ramazanova’s speech was constitutionally protected, making the actions taken against her by the Committee unlawful.⁶

⁶ OU’s Core Standards and Behavioral Expectations from the Student Code of Conduct states, “The *SCC* will not be applied or construed to prohibit or restrict conduct or activities to the extent that they are protected by the United States Constitution, the State of Michigan Constitution or Applicable Law.”
<https://oakland.edu/deanofstudents/student-code-of-conduct/core-standards-and-behavioral-expectations/>

b. Precluding Ms. Ramazanova from residing on-campus due to her protected speech was First Amendment retaliation.

By evicting Ms. Ramazanova from on-campus housing for the 2021–22 academic year, the Committee members retaliated against her for engaging in protected speech expressing her religious beliefs. *Thaddeus-X v. Blatter*, 175 F.3d 378, 397 (6th Cir. 1999). “An act taken in retaliation for the exercise of a constitutionally protected right is actionable even if the action would have been proper if taken for a different reason.” *Ward v. Members of Bd. of Control of E. Mich. Univ.*, 700 F. Supp. 2d 803, 815 (E.D. Mich. 2010).

A retaliation claim requires proof that: (1) the plaintiff engaged in protected speech; (2) an adverse action was taken against the plaintiff that would deter a person of ordinary firmness from continuing to engage in that conduct; and (3) a causal connection showing that the adverse action was motivated at least in part by the plaintiff's protected conduct. *Id.*

For the reasons stated above, Ms. Ramazanova’s speech was protected speech. As a direct result of engaging in such speech, the Committee members took adverse action against Ms. Ramazanova by preventing her from living on-campus for the 2021–22 academic year, which she otherwise would have been permitted to do since she was granted and was able to retain her religious exemption. Because there is no other reason why Ms. Ramazanova was disallowed from residing on campus, the Committee members engaged in First Amendment retaliation against Ms. Ramazanova.

c. OU violated the Fair Housing Act.

OU evicted Ms. Ramazanova because she shared her religious convictions and because she attempted to aid others in having their religious convictions respected. Both of these reasons for evicting Ms. Ramazanova violate the Fair Housing Act (“FHA”).

The Fair Housing Act (“FHA”) prohibits “deny[ing] a dwelling to any person because of . . . religion.” 42 U.S.C. § 3604(a). The statute also prohibits discrimination on the basis of religion in the “terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith.” *Id.* § 3604(b). Evicting a person because she expresses her religious beliefs and tells how she acquired a religious exemption is religious discrimination.

The FHA also provides that “it shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her

having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act.” 42 U.S.C. § 3617. Providing information on how to request a religious accommodation *that was offered by OU* is nothing other than “aid[ing] or encourag[ing]” others in the exercise of rights granted by the FHA. Evicting Ms. Ramazanova, therefore, also violates this provision of the FHA.

Conclusion

OU and its Committee violated Ms. Ramazanova’s rights to free speech and religious exercise and subsequently retaliated and discriminated against her for exercising those rights. OU and the Committee also took unlawful actions against Ms. Ramazanova because she attempted to aid others in exercise their civil rights in violation of the Fair Housing Act. We therefore demand that, within ten (10) days of this letter, the Dean of Students expunge Ms. Ramazanova’s August 6, 2021, disciplinary record finding her responsible for “conspiracy or collusion” and issue her a written apology and assurance that students at OU may exercise their constitutional right to freedom of speech without being subjected to the same retaliatory and discriminatory treatment. Absent expungement of the disciplinary record and a written apology, Ms. Ramazanova is prepared to take legal action seeking all appropriate equitable and legal relief—including punitive damages under the FHA—to preserve her constitutional and statutory rights under federal law.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Danielle Runyan', written over a light blue horizontal line.

Danielle Runyan
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