



June 30, 2025

*Sent via Email*

Andrea Lucas, Commissioner [REDACTED]  
U.S. Equal Employment Opportunity Commission  
131 M St., NE, 6<sup>th</sup> Floor  
Washington, DC 20507

Patricia Miner, Contact Supervisor Enforcement Officer [REDACTED]  
[REDACTED]

Re: Charge of Discrimination against Bath & Body Works, Inc. and Bath & Body Works, LLC

Dear Commissioner Lucas,

We represent Jocelyn Boden, a Bath & Body Works store manager who was fired for her sincerely held religious beliefs regarding the use of pronouns. Ms. Boden was employed by Bath & Body Works, LLC, a subsidiary of Bath & Body Works, Inc.

Ms. Boden is a devout member of The Church of Jesus Christ of Latter-day Saints (“the Church”). The Church teaches that “[g]ender is an essential characteristic of individual premortal, mortal, and eternal identity and purpose.”<sup>1</sup> The Church’s teaching that gender is a characteristic of a person’s “eternal identity” means that a person cannot adopt a gender inconsistent with her biological—and eternal—sex. Ms. Boden sincerely believes that it would be wrong to act contrary to that religious teaching by using a person’s preferred pronouns when those pronouns are inconsistent with what she considers to be biological and eternal reality.

Yet after a transgender employee started working at Ms. Boden’s store, multiple team members chastised and alienated Ms. Boden for not using that employee’s preferred pronouns. This continued even though Ms. Boden was willing to use that employee’s chosen name. Ultimately, team members complained about Ms. Boden’s religiously motivated decision to the human resources department. This complaint led to an interrogation into Ms. Boden’s use of pronouns. Ms. Boden indicated her religious objection to Bath & Body Works’ pronoun policy, including during a discussion with her district manager just two days before the district manager terminated Ms. Boden’s employment.

Ms. Boden’s supervisor—a member of the Church herself—knew that Ms. Boden had a religious objection to the use of non-biological pronouns. Yet, instead of speaking further with Ms. Boden or offering an accommodation, the company immediately fired her without any preliminary warning and violated its policy on progressive discipline. The Termination Notice

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<sup>1</sup> The First Presidency and Council of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints, *The Family: A Proclamation to the World* (1995), <https://tinyurl.com/3h379tjn>.

cited “unwanted conduct directed at an individual based on their sex, which includes sexual orientation, gender identity, gender expression, or transgender status.” But this was based on nothing more than Ms. Boden’s opposition to the use of pronouns in contravention of Ms. Boden’s sincerely held religious convictions.

The company’s conduct violated Ms. Boden’s rights under Title VII, which prohibits religious discrimination against and guarantees reasonable religious accommodations to employees. Further, the company retaliated against Ms. Boden for speaking according to her religious and moral beliefs, failed to grant her a religious accommodation, perpetuated a hostile work environment against her, and wrongfully discharged her in violation of both Title VII and the Utah Antidiscrimination Act.

We have enclosed an EEOC Charge for Ms. Boden, a Statement in Support of the Charge, including accompanying exhibits, and an Intake Questionnaire. We ask that you consider submitting these charges as Commissioner Charges.

If you have any questions, please feel free to contact me at [REDACTED] or [REDACTED].

Sincerely,



E. Cliff Martin  
Senior Counsel  
First Liberty Institute  
*Counsel for Jocelyn Boden*

Enclosures

Copy to:

Schaerr Jaffe, LLP

Gene Schaerr [REDACTED]

Josh Prince [REDACTED]

*Co-counsel representing Jocelyn Boden*

## **Charge of Discrimination**

Bath & Body Works, LLC (BBW) terminated my employment in violation of Title VII and the Utah Antidiscrimination Act because I did not agree to use “preferred pronouns” which would violate my sincerely held religious beliefs as a member of The Church of Jesus Christ of Latter-day Saints (“the Church”).

## **Statement in Support of Charge**

### **My Employment at Bath & Body Works**

I began working as a store manager at BBW in Layton, Utah, on October 4, 2021. My primary duty was to manage store associates and assistant managers (AMs) in our daily retail operations under the supervision of a district manager (DM), Ellen Warner. I served as store manager until my termination on May 8, 2025.

As store manager, I interviewed and evaluated job applicants for BBW. In February 2025, I hired an individual whose legal name is [REDACTED]. [REDACTED] identifies as transgender and uses the name [REDACTED]. I have no religious objections to calling [REDACTED].

After hiring [REDACTED], Assistant Manager Amanda Shields suggested that I not schedule [REDACTED] for any shifts because of [REDACTED] transgender identity, but I saw no reason not to schedule [REDACTED] for a work shift. Accordingly, I scheduled [REDACTED] to onboard the following week.

My first shift with [REDACTED] took place on April 26, 2025. I referred to [REDACTED] as [REDACTED]. During the shift, I referred to [REDACTED] as “she” to other employees. It would violate my sincerely held religious beliefs to use pronouns that appeared to be artificially invented. My religious belief is that gender is immutable, declared by God, and cannot be changed. Accordingly, I could not in good conscience refer to an associate by “preferred pronouns” that were inconsistent with reality and my moral beliefs as a member of The Church of Jesus Christ of Latter-day Saints.

Following this, I received a call from BBW’s human resources (HR) department. The HR representative asked several questions about the events surrounding [REDACTED] training and my refusal to use [REDACTED] preferred pronouns. I noted that I explained to a subordinate, Supervisor Melissa McKendrick Morris, what my beliefs were, and I informed HR that I would not refer to [REDACTED] with male pronouns, though I was willing to refer to [REDACTED] as [REDACTED]. I further told HR that I felt discriminated and retaliated against based on my beliefs.

After the HR call, I called my DM, Warner. I complained that I had refused to compromise my moral belief system and the company immediately sought to discipline me. Warner, as my supervisor at BBW, has known that I am a devout member of the Church since the first year of my employment, and we often discussed our religious beliefs at work. Even so, two days after my call with Warner, on May 8, 2025, Warner issued a letter to me in person (incorrectly dated May 10, 2025), terminating my employment, and walked me out of the BBW store. Ex. 2. BBW did not provide any warning or progressive discipline before terminating my employment, and I had an

exemplary record of management. Warner made no attempt to discuss my religious beliefs with me or to offer an accommodation, such as permitting me to use first names only. Such an accommodation would have been feasible, as I could have used first names and nicknames instead of pronouns. But Warner terminated my employment rather than engaging in any interactive process regarding my religious convictions.

### **My Religious Beliefs**

I am a member of The Church of Jesus Christ of Latter-day Saints. My parents raised me in the Church, and I was baptized at eight years old according to the Church's tradition. I have always been an active member of the Church, and I remain a committed member, faithfully attending religious services and other activities. Accordingly, I requested a scheduling accommodation from Warner so that on Sundays I could begin the workday after religious services, and Warner agreed to this arrangement.

I adhere to the Church's teachings on gender and human sexuality. We believe that "the intended meaning of *gender*...is biological sex at birth."<sup>1</sup> Our leaders "counsel against pursuing...social transition away from one's biological sex at birth," which includes changing one's pronouns.<sup>2</sup> Like many families in the Church, I have a framed copy of the official Church document *The Family: A Proclamation to the World* in my living room. Ex. 1. This Proclamation, given in 1995 by the First Presidency and Quorum of the Twelve Apostles of the Church, states that

All human beings—male and female—are created in the image of God. Each is a beloved spirit son or daughter of heavenly parents, and, as such, each has a divine nature and destiny. Gender is an essential characteristic of individual premortal, mortal, and eternal identity and purpose.

I believe that using pronouns out of line with this understanding of gender is dishonest. My convictions do not allow me to lie by affirming a reality I believe is false. Therefore, I cannot refer to a female using male pronouns.

### **Bath & Body Works' Religious Discrimination and Failure to Accommodate**

BBW discharged me for a "Policy Violation." Ex. 2. My letter of termination gave a brief explanation for the dismissal, saying

"...we have discovered that she has violated the Code of Conduct which prohibits any unwanted conduct directed at an individual based on their sex, which includes sexual orientation, gender identity, gender expression, or transgender status. Jocelyn admitted to this behavior and shared with multiple parties that she refused to use correct pronouns. As a result of this investigation, and her admittance, we

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<sup>1</sup> General Handbook: Serving in The Church of Jesus Christ of Latter-day Saints 38.6.23 (rev. vol. 2025), <https://tinyurl.com/4a78u98f>.

<sup>2</sup> *Id.*

are making the decision to part ways and end their employment effective immediately.” Ex. 2.

While I refused to use an employee’s preferred pronouns, my intent was not discriminatory. Rather, I sought to follow my religious convictions regarding gender without affirming what I believe to be untrue. Furthermore, I did not discriminate against or harass any employee. But BBW nevertheless fired me because I would not speak in a way that contradicted my religious beliefs. BBW did not even consider making a small accommodation which would allow me to use first names in accordance with my beliefs. Rather, BBW retaliated against me by firing me mere days after I complained of discrimination to HR and to the DM. BBW characterized my refusal to speak contrary to my faith as discrimination and harassment, but this violates Title VII’s protection of religious observance and practice in the workplace and its guarantee of reasonable accommodations for religious employees. 42 U.S.C. §§ 2000e(j), 2000e-2(a)(1), 2000e-3.

Additionally, BBW violated my right to express my “religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive, and non-harassing way” under the Utah Antidiscrimination Act. Utah Code § 34A-5-112(2). The Act also prohibits employers from compelling employees to engage in speech which they would find religiously objectionable. *Id.* § 34A-5-112(4). Rather, employers must grant accommodations to employees if they would not be unduly burdensome. *Id.* When I expressed my religious commitment to using pronouns corresponding to a person’s biological sex, my store team members became hostile, and my DM then terminated by employment. BBW made no effort to accommodate me after I repeatedly made known my refusal to use pronouns which my DM knew or should have known conflicted with my religious and moral beliefs.

## **Summary**

BBW violated Title VII and the Utah Antidiscrimination Act when it:

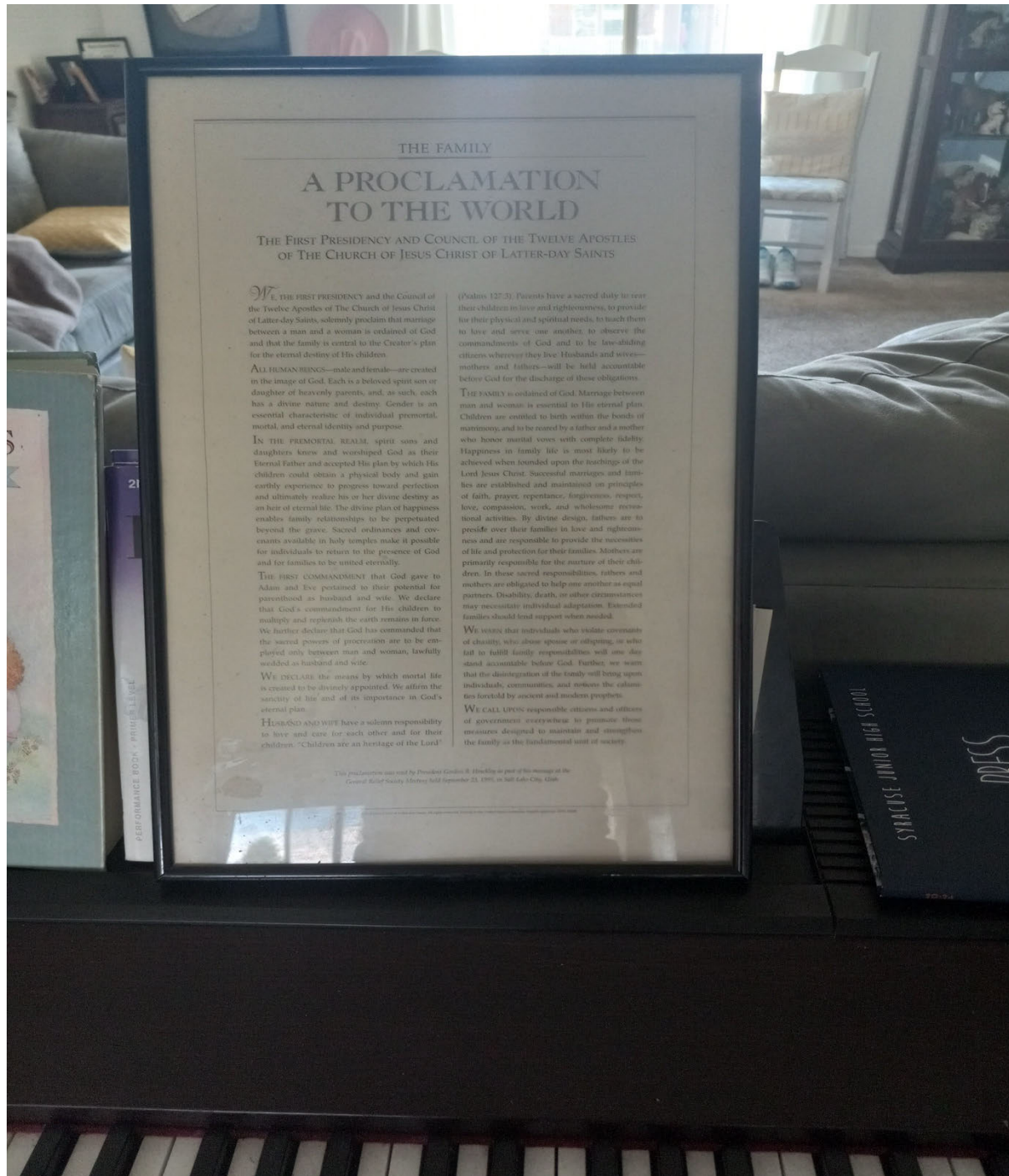
- discriminated against me on the basis of my religion and wrongfully terminated me because I refused to use pronouns contrary to my moral and religious beliefs;
- failed to accommodate my disagreement with BBW’s pronoun policy according to my moral and religious beliefs;
- failed to engage in an interactive process regarding my need for a religious accommodation;
- retaliated against me for opposing religious discrimination; and
- perpetuated an atmosphere of hostility against me and my moral and religious beliefs.

## **Exhibits**

**Exhibit 1:** Proclamation on the Family (From Jocelyn Boden’s Living Room)

**Exhibit 2:** Jocelyn Boden’s Termination Notice

**Exhibit 1: Proclamation on the Family (From Jocelyn Boden's Living Room)**





## Exhibit 2: Jocelyn Boden's Termination Notice

Termination Notice	
<b>Associate and Position Details</b>	<b>Termination Reason</b>
Associate Name: Jocelyn Bodes	<input type="checkbox"/> Attendance
Employee ID: 3686369	<input checked="" type="checkbox"/> Policy Violation
Associate Position/Title: Store Manager	<input type="checkbox"/> Job Abandonment
Termination Date: 5/10/2025	<input type="checkbox"/> Unsatisfactory Performance
Manager Name: Ellen Warner	

**Termination Reason:**  
Provide a brief explanation regarding the reason for the associate's termination including dates of coaching, performance documentation, and/or associate comments, if applicable. If the termination is due to a policy violation, list the policy violated. If the termination is due to attendance, list the dates of prior warnings given and dates of all unexcused absences.

Share briefly with Jocelyn that as she is aware, she was part of an investigation over the last few weeks where we have discovered that she has violated the Code of Conduct which prohibits any unwanted conduct directed at an individual based on their sex, which includes sexual orientation, gender identity, gender expression, or transgender status.

Jocelyn admitted to this behavior and shared with multiple parties that she refused to use correct pronouns.

As a result of this investigation, and her admittance, we are making the decision to part ways and end their employment effective immediately.