

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of )  
themselves and all others similarly situated, )  
 )  
                                Plaintiffs,      )  
                        v.                        )  
 )  
U.S. DEPARTMENT OF EDUCATION and     )  
Suzanne GOLDBERG, in her official capacity as    )  
Acting Assistant Secretary for Civil Rights,   )  
U.S. Department of Education,                )  
 )  
                                Defendants.      )

Civil Action No. )  
  
**DECLARATION OF AVERY  
BONESTROO**

I, Avery Bonestroo, declare:

- 1.      I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
  
- 2.      I am a resident of Sioux Center, Iowa, located in Sioux County.
  
- 3.      Since August, 2017, I have been student at Dordt University (hereinafter “Dordt”) in Sioux Center, Iowa.
  
- 4.      I am majoring in theater.
  
- 5.      I expect to graduate in May, 2021.
  
- 6.      I am 21 years old.
  
- 7.      While attending Dordt, I received Federal Financial Aid, including student loans from the U.S. Department of Education. I have a federal work study position in the costume shop for the theater department.
  
- 8.      After graduation, I will be required to repay the federal student loans I received to pay for my education at Dordt.

9. I attended Dordt because I live close by, my mother approved of the college and the university offered me a generous financial aid package.

10. I live in on campus housing. Campus housing is gendered according to a gender binary.

11. Dordt has brought speakers to campus who advocate a non-affirming view of LGBTQ+ students.

12. In certain classes at Dordt, the professors teach that LGBTQ+ identities and lives are sinful and rejected by God. I have had to sit through such classes, which has been a painful experience. The professors do not make room for affirming positions to be expressed in class.

13. Dordt's student handbook outlines rules of behavior for students.

14. The handbook regulates romantic relationships and sexual conduct.

15. The handbook states "scripture is clear that God created humans as two distinct sexes, male and female; however, due to sin and brokenness, our experience of sex and gender is not always what God the Creator originally designed for His glory and our joy and flourishing as his servants." This statement makes me feel frustrated because it erases the lives and experiences of gender-nonconforming, transgender and intersex students.

16. The handbook later goes on to say, "the only appropriate and permissible context in which sexual intimacy may be expressed as overt sexual interaction is in a marriage partnership of a man and a woman." This statement feels very unwelcoming and threatening and ignores the history of non-heterosexual people at Dordt and in our community.

17. The 2020-2021 Student Handbook defines the following sexual misconduct forbidden for Dordt students both on and off campus:

A. "Promoting or advocating sexually immoral activity",

B. “Extramarital sexual relations”,

C. “Homosexual relations”,

D. “Transgendered Behavior.”

18. These regulations force strict, unhealthy views of sexuality and gender on students at Dordt.

19. The prohibitions on “homosexual relations” and “transgendered behavior” are vague, give rise to suspicion of non-conforming students and put queer and trans students at risk of disciplinary action.

20. Some professors have told me that I should dress more feminine. Other students have told me that I should dress more feminine. These conversations made me feel uncomfortable and like I do not belong here or have equal footing with heterosexual or cisgender students.

21. The 2020-2021 Student Handbook goes on to state the following about same-sex romantic relationships:

*C. Homosexual relations. It is unacceptable to have sexual relations with someone of the same sex. It is unacceptable to marry or be engaged to marry a person of the same sex. Dordt University also prohibits promoting or advocating such activity.*

*D. Transgendered Behavior. Adopting an identity discordant with one’s biological sex is prohibited. Dordt university also prohibits promoting or advocating such activity.*

11. Non-heterosexual public displays of affection are not allowed and will likely lead to other students reporting it to administration, followed by potential disciplinary action by Dordt. I am generally forced to use my birth name and female pronouns at Dordt for fear that I will be disciplined for using Avery or they/them pronouns. The handbook also states that “the

university will make efforts to work in a counselling context with individuals who find it difficult to restrict their sexual activity within the institution of marriage.” The handbook goes on to say that Dordt may determine that if an individual participates in the forbidden conduct “an individual shall be dismissed from the university.”

12. I am bisexual and genderfluid.

13. I have a girlfriend who is also a student at Dordt but we have to hide our relationship for fear of discipline and rejection from Dordt administrators, faculty and other students.

14. I do not feel safe coming out at Dordt due to their policies as set forth in the handbook. I fear I will be forbidden to graduate or be forced to participate in conversion therapy if I do come out.

15. I fear that by changing my legal name in the future, Dordt may refuse to issue me a new diploma with my new name.

16. A female friend of mine was engaged to a woman and Dordt found out about the engagement. Dordt threatened to forbid her from graduating. This woman was an education major and was student teaching at a local school. One of the parent’s found out she was a lesbian and complained about her. Ultimately, Dordt relented and allowed her to graduate but asked her not to associate herself with Dordt after graduation.

17. There is no official or unofficial LGBTQ+ club or support group on campus.

18. I wish we could have an LGBTQ+ club so that we could support each other.

19. I have experienced anxiety and depression while a student at Dordt. Dordt’s policies on sexuality and gender identity have contributed to my anxiety and depression.

20. Dordt's on-campus counselling center is inadequately staffed and not a safe space for queer or trans students to seek help with their mental health. Local therapists in my community are generally not accepting of LGBTQ+ people and I have been unable to find an affirming mental health provider.

21. I have stayed at Dordt, rather than leaving for another college, because many of my courses here would not transfer to another college, it would be difficult for me financially and I have made friends here that I would lose or be distanced from if I changed schools.

22. The campus climate at Dordt is not safe or supportive for queer and trans students. In addition to Dordt's policies, some students at Dordt harbor animosity towards queer and trans students and are given cover for their hostility by Dordt's policies and climate.

23. I have not filed a Title IX complaint with Dordt or with the U.S. Department of Education because I feel that it would not be safe for me to do so and that it would not be worth the risk of discipline, harassment or expulsion because my complaint would not go anywhere due to Dordt's status as a religiously affiliated institution.

24. There are other queer, non-binary and trans students at Dordt, most of whom are not publicly out at Dordt because they fear for their safety and security.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 27<sup>th</sup> day of January, 2021.

By:

  
Avery Bonestroo