



NATIONAL CENTER FOR LESBIAN RIGHTS

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District Court Holds Public University Professor Does Not Have a Constitutional Right to Discriminate Against Transgender Students

CINCINNATI, OH — Yesterday, U.S. District Judge Susan J. Dlott [dismissed a federal lawsuit](#) filed by Professor Nicholas Meriwether against Shawnee State University. Meriwether claimed that Shawnee State violated his alleged First Amendment rights by enforcing a policy requiring equal treatment of transgender students after the university disciplined him for repeatedly referring to Jane Doe, a transgender female student, by a male honorific and pronouns, despite using the correct gendered honorifics and pronouns for all other students in the class.

The National Center for Lesbian Rights, along with Adam Unikowsky of Jenner & Block LLP and Jennifer Branch of Gerhardstein & Branch Co., LPA, intervened in the lawsuit on behalf of Jane Doe and Sexuality and Gender Acceptance (SAGA), Shawnee State's LGBTQ student group. After being granted permission to intervene, Doe and SAGA moved to dismiss the complaint.

Adopting the [recommendation of Magistrate Judge Karen Litkovitz](#), Judge Dlott found that "[Meriwether's] speech—the manner by which he addressed a transgender student—was not protected under the First Amendment." Judge Dlott also found no evidence that Shawnee State discriminated against Meriwether based on his religious beliefs or because of religious animus.

"We are pleased the Court affirmed that schools can ensure that all students are able to learn and the access educational opportunities available to all students without fear of discrimination," said **Asaf Orr, Senior Staff Attorney and Director of the Transgender Youth Project at the National Center for Lesbian Rights**.

"Since this lawsuit began, transgender students have been worried that they would have to start skipping classes or avoid particular professors because Shawnee State would no longer be able to effectively address bullying, harassment, and mistreatment of transgender students. SAGA and its members are relieved that the Court recognized the importance of Shawnee State's antidiscrimination and antiharassment policies to transgender people on campus. This is a big step towards progress for all transgender people on Shawnee State's campus," said **Jae Keniston, President of SAGA**.

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***The National Center for Lesbian Rights (NCLR)** is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, transgender, and queer community through litigation, public policy advocacy, and public education. Since its founding, NCLR has maintained a longstanding commitment to racial and economic justice and the LGBTQ community's most vulnerable. www.NCLRights.org*

***Sexuality and Gender Acceptance (SAGA)** is a student organization which seeks to promote the advancement of human understanding about sexuality and add to the culture by addressing concerns and thoughts brought up by students. The club also promotes diversity and understanding by giving a voice to the LGBTQ+S students at Shawnee State University. <https://www.facebook.com/ShawneeSAGA/>*