

December 11, 2018

SENT VIA CERTIFIED MAIL & ELECTRONIC MAIL

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Dear Ms. Meadows, Mr. Martin, and Ms. Davis:

Muslim Advocates, a national civil rights and legal advocacy organization, and the law firm Beldock Levine & Hoffman LLP submit this letter on behalf of Linde McAvoy, a former esthetics student whom Georgia Career Institute (“GCI”) unlawfully expelled from its Murfreesboro campus earlier this year. GCI took these discriminatory actions against Ms. McAvoy simply because she wears a religious headcovering, known as a hijab, in accordance with her religious beliefs.

GCI’s conduct is completely unjustified. No person should be forced to choose between receiving an education and complying with their sincerely held religious beliefs. GCI must take immediate steps to remedy this discriminatory situation.

I. Background

Ms. McAvoy first enrolled in GCI in December 2017, to pursue an esthetics program at the school’s Murfreesboro branch. Ms. McAvoy viewed enrolling in GCI as an investment in her

future and an opportunity to advance her career. Ms. McAvoy took out federal student loans in order to finance her studies. At the time of her initial enrollment, Ms. McAvoy did not wear a hijab or any other religious headcovering. From late December through mid-January, she attended classes without the administration raising any concerns about her clothing.

At the end of January 2018, Ms. McAvoy converted to Islam. Like many Muslim women, Ms. McAvoy believes wearing the hijab in public is an obligatory practice deeply bound to her sex, an indelible part of her gender expression, and a traditionally feminine means of practicing modesty and adherence to God. As such, Ms. McAvoy started wearing a hijab in public, including on GCI's campus.

Ms. McAvoy's hijab at school typically consisted of a clean black cloth that she tied neatly over her hair to comply with the dress code's requirements that students dress professionally. Almost immediately after she started wearing it, Ms. McAvoy began facing harassment from GCI administrators. For example, Joyce Meadows—GCI's President and CEO, who is also the Campus Director for the Murfreesboro Campus—started insisting that Ms. McAvoy remove the hijab, citing the school's dress code.¹ Even after Ms. McAvoy explained that she wore her hijab out of religious obligation, Ms. Meadows insisted on its removal, despite the fact that the dress code does not prohibit religious headcoverings.² Ms. McAvoy was repeatedly ejected from her classes for wearing her hijab.

Ms. McAvoy felt targeted and humiliated by Ms. Meadows' actions: not only was she wearing the hijab in accordance with her religious beliefs, but she regularly observed other students violate the GCI dress code by wearing nonreligious head coverings such as hats and beanies to school without rebuke or sanction from Ms. Meadows and other GCI administrators. Despite this escalating harassment, Ms. McAvoy believed it her obligation as a Muslim woman to cover her hair and so continued to attend school while wearing her hijab.

After Ms. McAvoy began wearing her hijab to class, Ms. Meadows informed her that if she wanted to continue attending GCI she would have to remove her hijab while on campus or provide external confirmation that she wore the hijab for religious reasons. Ms. Meadows,

¹ GCI's dress code is aimed at "maintain[ing] a standard of dress which is designed to teach future professionals successful dress practices they will need in their careers[.]" See *GCI Student Catalog*, GEORGIA CAREER INSTITUTE 46 (2018), <http://gci.edu/catalogforweb/mobile/index.html> (requiring esthetic students to wear, in relevant part, "their own **solid** black dress pants, **solid** black skirt or dress that is knee-length, and a **solid** black dress shirt/blouse. Blouses shall cover modestly and underarms must be covered at all times. Sheer or lace blouses can be worn as long as a shirt is worn underneath that meets dress code requirements.") (emphasis in original).

² Rather, the dress code prohibits "[a]pparel considered unprofessional," such as "denim jeans or denim material, skinny pants, leggings, any stretchy material that can be seen through, sweatpants, exercise pants, excessively tight clothing, leggings without a blouse/shirt that covers entirety of backside, capris or any type of pant leg that falls above the ankle, hats, revealing or other unprofessional clothing as determined by staff of the Institute." *GCI Student Catalog*, GEORGIA CAREER INSTITUTE 46 (2018), <http://gci.edu/catalogforweb/mobile/index.html>.

however, failed to support or justify this demand for external confirmation, and GCI's Student Catalog imposes no such obligation. As such, and in accordance with her sincerely held religious belief to wear the hijab in public, Ms. McAvoy continued to cover her hair at school. GCI expelled Ms. McAvoy on or around February 23, 2018,

GCI's actions have had a substantial impact on Ms. McAvoy. Despite the money she had paid to GCI, she was unable to complete her coursework and receive her esthetician accreditation. While she still hopes to pursue a program in esthetics, she is unwilling to return to GCI given the school's campaign of targeting and excluding her on the basis of her hijab.

II. GCI's Actions Were Unjustified and Violate Federal Anti-Discrimination Law.

GCI deprived Ms. McAvoy of the opportunity to complete her esthetics coursework simply because, as a Muslim woman, Ms. McAvoy wore the hijab. Ms. McAvoy's decision to cover her hair is bound to her foundational belief of what is required of women of her faith: that wearing the hijab is an obligatory practice stemming from her sex and identity as a woman and constitutes a fundamental expression of female modesty.

GCI's treatment of Ms. McAvoy was cruel, unnecessary, and fundamentally unjust; it also contravened GCI's own internal policies and procedures. Ms. McAvoy's hijab violated neither the letter nor the spirit of GCI's dress code policy. As previously noted, that policy only prevents students from wearing "unprofessional" attire; it does not prohibit religious head coverings. To the contrary, a core objective of GCI's dress code policy appears to be modesty, and that is the very same value that leads Ms. McAvoy to wear the hijab. Ms. Meadows's insistence that Ms. McAvoy provide external confirmation was not based on any provision in GCI's Student Catalog. Rather, Ms. Meadows and other GCI personnel manufactured their own rules and requirements in an attempt to harass and intimidate Ms. McAvoy.

Moreover, GCI's actions violate federal civil rights law. As an institution that receives federal financial assistance, GCI is obligated to comply with federal anti-discrimination mandates, including Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits sex discrimination in educational programs and activities.³ It is well established that educational institutions violate Title IX when they discriminate against students' sex-based manifestations of religious identity.⁴ GCI, by enforcing its dress code policy in an arbitrary and discriminatory

³ Title IX provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681.

⁴ See, e.g., Consent Order, *Hearn v. Muskogee Public School*, No. 03-598 (E.D. Okla. May 6, 2004), available at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/hearn_consent_decree_final.pdf; See generally, Compl., *Barns v. Gifford*, No. 04-00583 (D. Nev. Oct 19, 2004), available at

manner and by denying Ms. McAvoy the ability to wear her hijab on campus, violated those protections.

III. GCI Must Take Immediate Steps to Rectify This Unjust Situation.

No person should be prevented from receiving an education because of discrimination on the basis of her sex or religion. GCI should remedy this situation by taking the following steps:

- **Refund the full amount of the tuition Ms. McAvoy has paid to GCI and compensate Ms. McAvoy for the discrimination she experienced.** Ms. McAvoy paid thousands of dollars to GCI both out of her own pocket and through federal student loans to participate in its esthetics program. Even though GCI's decision to expel her was wrong and in clear contravention of federal civil rights law, those funds have not been returned to Ms. McAvoy nor has GCI compensated Ms. McAvoy for the harms its discriminatory actions have caused her.
- **Amend GCI's dress code and provide anti-discrimination training to staff.** It is not "unprofessional" to wear religious clothing, including hijabs, and GCI should revise its dress code to allow for students to wear clothing in accordance with their sincerely held religious beliefs, including but not limited to permitting Muslim women to wear hijabs. GCI should also ensure that all of its staff is properly trained on federal anti-discrimination law, including religious accommodations.

IV. Conclusion

Ms. McAvoy is prepared to pursue resolution of this matter via any and all rights available to her under law. We write this letter without prejudice to all of Ms. McAvoy's rights and claims including, but not limited to, rights and claims under federal, state, and local human rights laws. We also remind you of your obligation to preserve any and all relevant documents, records, emails, texts, and other digital media. We are prepared to discuss Ms. McAvoy's claims. We request a response to this letter no later than December 21, 2018 or we will advise Ms. McAvoy as to her rights and remedies under applicable law. Any response should be directed to my attention at nimra@muslimadvocates.org or (202) 897-2564. We thank you in advance for your consideration of the serious issues presented in this letter.

https://www.aclu.org/sites/default/files/field_document/barnsv_gifford_complaint.pdf; Verdict and Settlement Summary, *Elhifny v. Gifford*, 2009 WL 982239 (D.Nev. 2009).

Sincerely,

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Muslim Advocates

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