JAMES MADISON UNIVERSITY

November 20, 2026

Via Email Only (Denise.burch@governor.virginia.gov)
The Honorable Abigail Spanberger
Governor of Virginia
c/o Denise Burch
Confidential Executive Assistant

Via Email Only (senatorfavola@senate.virginia.gov)
Senator Barbara Favola
Chair of the Committee on Education and Health
Senate of Virginia

Via Email Only (DelSRasoul@house.virginia.gov)
Delegate Sam Rasoul
Chair of the Committee on Education
Virginia House of Delegates

Dear Governor Spanberger, Senator Favola, and Delegate Rasoul:

Pursuant to Virginia Code § 23.1-401.1, James Madison University ("JMU") submits this report to you regarding its compliance with that statute.

JMU's policy on freedom of expression on campus, as well as the process to report incidents of disruption of constitutionally protected speech may be viewed at: https://www.jmu.edu/jmu-policy/policies/pdfs/1121.pdf. This policy is available within the University's manual of policies and procedures and is available for anyone interested to review. I would note that this policy recently went through the University's review and revision process to ensure compliance with the First Amendment of the United States Constitution and other law. The updated policy, effective May 2026, was reviewed by my office and approved by the President. It contains robust protections of our community members' rights to free expression and assembly while ensuring the safe and orderly operations of the University.

For your information, my office maintains a freedom of speech resources page (https://www.jmu.edu/universitycounsel/freedom-of-speech.shtml) and as noted in previous reports, JMU's Faculty Handbook and Student Handbook contain strong statements affirming the right of free expression on campus. For example, Section III.A.2.a. of the Faculty Handbook clearly states that "each member of the faculty has a right to the freedom of thought and expression, including the right to reasoned dissent", and the Student Handbook explicitly refers to Policy 1121, noting that students will not be disciplined for speech or other forms of conduct that are protected under federal or state law or JMU Policy 1121.

MSC 7811, 396 S. High St.
Harrisonburg, VA 22807
540-568-5242 Phone
www.jmu.edu/universitycounsel

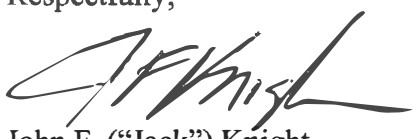
Office of University Counsel

Furthermore, freedom of expression on campus is specifically addressed during new student orientation and the JMU's Center for Civic Engagement has created a free speech resources website which can be found here: https://www.jmu.edu/civic/free-speech.shtml.

Finally, it is necessary that I report to you that since December 1, 2025, one complaint has been filed in a court of law to initiate a lawsuit against JMU for an alleged violation of the First Amendment to the United States Constitution. A copy of that complaint is attached to this report.

Please feel free to contact me with any questions or concerns you may have at 540-568-5242 or via email at knigh2jf@jmu.edu

Respectfully,



John F. ("Jack") Knight
University Counsel/
Senior Assistant Attorney General

C: reportdocs@dlas.virginia.gov

CLERKS OFFICE
US DISTRICT COURT
AT CHARLOTTESVILLE, VA
FILED
10/28/2026
LAURA A. AUSTIN, CLERK
BY: s/J. Lopez
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

KATHLEEN ELIZABETH LUONG,
Plaintiff,

v.

JAMES MADISON UNIVERSITY,

and

JAMIE ROBINSON, in her individual capacity,

and

MELODY EATON, in her individual capacity,

and

SHARON LOVELL, in her individual capacity,
Defendants.

Case No.: 5:26cv184

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff Kathleen Elizabeth Luong (hereinafter, "Plaintiff" or "Ms. Luong"), by counsel, and hereby presents her Complaint against James Madison University (hereinafter, "JMU" or "the University"), Jamie Robinson, Melody Eaton, and Sharon Lovell (collectively, "Defendants"), and states as follows:

JURISDICTION AND VENUE

1. Ms. Luong is a resident of Stephens City, Virginia.

2. James Madison University is a public institution of higher education established by the Commonwealth of Virginia and located in Harrisonburg, Virginia.

3. Defendant Jamie Robinson is an individual who, at all times pertinent to this matter, served as Associate Director for Undergraduate Programs and Associate Professor in the School of Nursing at JMU. Robinson was Ms. Luong's direct supervisor.

4. Defendant Melody Eaton is an individual who, at all times pertinent to this matter, served as Director, Professor, and Academic Unit Head of the School of Nursing at JMU.

5. Defendant Sharon Lovell is an individual who, at all times pertinent to this matter, served as Dean of the College of Health and Behavioral Studies at JMU.

6. At all relevant times, Robinson, Eaton, and Lovell were state officials acting under color of state law.

7. Venue is proper because the acts and omissions described below occurred in Harrisonburg, Virginia, within the Western District of Virginia.

8. This action arises under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution. This Court has federal-question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

9. Plaintiff seeks damages under § 1983 against Robinson, Eaton, and Lovell in their individual capacities. Plaintiff also names JMU for purposes of obtaining appropriate prospective declaratory and equitable relief to the extent permitted by federal law.

STATEMENT OF FACTS

10. Ms. Luong is a registered nurse and nursing educator. JMU hired her as an adjunct employee in August 2024. She transitioned to a full-time faculty position on August 10, 2025, with an annual salary of $80,000 and full employment benefits.

11. At all relevant times, Ms. Luong served as faculty in JMU's School of Nursing, teaching undergraduate nursing students in laboratory, clinical, and simulation settings,

providing educational development and student evaluations, and advising approximately fifteen students.

12. Before the events described below, Ms. Luong met or exceeded JMU's legitimate performance expectations. She received evaluations reflecting "Successful Contributions" and "Superior Contributions."

13. Before she raised the research concerns described below, Ms. Luong enjoyed a positive and collegial work environment, including established mentoring relationships and cooperative interactions with faculty colleagues.

A. The "Competency Over Time" Research Project and Human-Subjects Concerns

14. In or around the fall of 2025, Ms. Luong began completing required Collaborative Institutional Training Initiative ("CITI") coursework concerning research ethics and the protection of human subjects.

15. While completing that training, Ms. Luong became aware of an ongoing JMU research project titled "Competency Over Time," designed to study the professional development of nursing students across four semesters of nursing school.

16. Ms. Luong observed that the project improperly blurred the line between ordinary curriculum and human-subjects research. Students were led to believe that participation was mandatory and that their academic grades were at stake, although the activity was being conducted as research subject to informed-consent requirements and applicable IRB protocols.

17. Ms. Luong further observed that faculty members, including herself, were told that participation in the research project was a mandatory component of their professional workload without voluntary, informed consent.

18. Students approached Ms. Luong expressing significant stress arising from the coercive nature of the project.

19. Ms. Luong reasonably believed these practices violated applicable Institutional Review Board ("IRB") protocols and federal human-subjects research protections, including principles requiring voluntary informed consent and protection against coercion or undue influence.

B. Ms. Luong's Protected Speech

20. In November 2025, Ms. Luong reported her ethical and human-subjects concerns through internal channels, including by email to Defendant Robinson and course coordinator Nancy Puffenbarger.

21. Robinson responded by requesting a meeting, which occurred on December 4, 2025. No meaningful corrective action followed.

22. After receiving an inadequate response through her ordinary chain of command, Ms. Luong continued to pursue the concerns.

23. On January 20, 2026, while collaborating on an unrelated grant with a colleague holding a doctorate in psychology and expertise in research ethics, Ms. Luong was advised to bring her concerns directly to the IRB.

24. On or about January 20, 2026, Ms. Luong contacted IRB Chair Lindsey Harvell-Bowman and provided evidence documenting the human-subjects and research-ethics concerns she had observed.

25. Ms. Luong's assigned faculty duties involved teaching, clinical and simulation instruction, student evaluation, advising, and related faculty responsibilities. She was not assigned responsibility for investigating the "Competency Over Time" research team,

auditing IRB compliance, enforcing research protocols, or making an IRB complaint on JMU's behalf.

26. No supervisor directed Ms. Luong to make the IRB complaint, and the complaint was not work product she had been commissioned to prepare as part of her ordinary faculty duties.

27. Ms. Luong therefore spoke as a citizen, rather than pursuant to her ordinary official duties, when she reported the suspected violations to the IRB.

28. Her speech addressed matters of substantial public concern: the protection of human research subjects, coercive treatment of nursing students whose academic standing could be affected, informed consent, the integrity of research at a public university, and compliance with federally regulated human-subject protections.

29. Ms. Luong's speech did not interfere with her ability to perform her job, impede JMU's legitimate operations, or undermine the University's educational mission. To the contrary, the speech sought compliance with the ethical and legal obligations governing university research.

C. Retaliation Commences Immediately After the IRB Complaint

30. On or about January 28–29, 2026, the IRB notified the "Competency Over Time" research team that a formal complaint had been received and that an investigation was being opened.

31. The day following notification to the research team, Ms. Luong's established mentorship relationship was abruptly terminated without explanation.

32. The extraordinary temporal proximity between notice of the IRB investigation and the abrupt change in Ms. Luong's treatment supports a reasonable inference that persons

connected to the project knew or strongly suspected that Ms. Luong had made the complaint.

33. Beginning in early February 2026, members of the research team, several of whom also held roles within the School of Nursing, began to ignore and exclude Ms. Luong, treat her coldly, and undermine her in professional settings, including in the presence of students.

34. This treatment was a marked departure from Ms. Luong's collegial working relationships before her protected reports.

D. Material Adverse Employment Actions

35. On or about February 10–11, 2026, Ms. Luong was required to participate in a Zoom meeting at which she was blamed for compliance issues that were not her responsibility and subjected to new and burdensome expectations.

36. Those new expectations included requirements that Ms. Luong perform work outside her existing contract period and without additional compensation.

37. In mid-February 2026, Ms. Luong's employment obligations were modified to require summer work with a performance deadline of August 1, 2026, even though her next contract period did not commence until August 12, 2026.

38. No similarly situated faculty member known to Ms. Luong was subjected to the same requirement.

39. In mid-to-late February 2026, rumors circulated among faculty and staff that Ms. Luong was a "trouble-maker." Other faculty members expressed fear of professional consequences if they were perceived to support or associate with her.

40. The fear expressed by other faculty demonstrates that the retaliatory response was sufficiently serious to chill the exercise of protected speech by a person of ordinary firmness.

41. In late February 2026, Ms. Luong received a negative performance evaluation rating her "Inconsistent Contributions," a substantial and unexplained departure from her prior successful evaluations.

42. The negative evaluation contained vague and unsupported criticisms, lacked specific examples or objective performance standards, and was accompanied by increased demands and shifting professional expectations.

43. The timing of the negative evaluation—within weeks of the IRB complaint and after years of satisfactory or superior performance—further supports an inference of retaliatory motive.

44. In March 2026, supervisory personnel made direct reference to the "conflict" surrounding Ms. Luong in a manner that linked the adverse employment actions to the controversy surrounding her confidential IRB complaint.

45. When Ms. Luong sought assistance from JMU's Human Resources department and Office of Equal Opportunity, she was directed by each office to the other and received no meaningful remedial action.

46. On or about March 16, 2026, during the University's spring break, Ms. Luong was required to attend a mandatory meeting with Defendant Robinson and Clinical Coordinator Julie Sutherland, during which her clinical evaluation and assessment practices were questioned and criticized.

47. Ms. Luong has reason to believe the March 16 meeting was audio and visually recorded without her knowledge and that the recording was subsequently distributed to Defendant Eaton and potentially other faculty members.

48. The retaliatory actions affected tangible and professionally significant aspects of Ms. Luong's employment, including her workload, compensation expectations, performance record, standing among colleagues and students, and ability to continue working effectively within the School of Nursing.

E. The IRB Substantiates Ms. Luong's Concerns

49. The IRB ultimately completed its investigation of the "Competency Over Time" project and found the research team in violation of applicable protocols.

50. The project was shut down. The IRB's findings substantiated the legitimacy of the concerns Ms. Luong had reported.

51. Despite the IRB's findings, the adverse and retaliatory conditions surrounding Ms. Luong continued and worsened.

52. On May 5, 2026, Ms. Luong reported another incident involving Betsy Heron, a member of the research team, who deliberately avoided acknowledging Ms. Luong in a professional setting in front of students.

53. That same day, JMU Associate Vice Provost Elizabeth Oldmixon announced an internal investigation into retaliation concerns raised by IRB Chair Harvell-Bowman.

54. JMU's legal counsel simultaneously directed relevant individuals to preserve evidence concerning their interactions with Ms. Luong.

55. The University's own decision to investigate retaliation and preserve evidence corroborates that the retaliatory concerns were serious, ongoing, and institutionally recognized.

F. Defendants' Knowledge and Personal Involvement

56. Defendant Robinson had direct knowledge of Ms. Luong's research concerns no later than November 2025 because Ms. Luong reported those concerns directly to Robinson and met with her about them on December 4, 2025.

57. Robinson thereafter remained Ms. Luong's direct supervisor and personally participated in supervisory actions directed at Ms. Luong after the IRB investigation commenced, including the mandatory March 16 meeting at which Ms. Luong's clinical performance was criticized.

58. Defendant Eaton, as Director and Academic Unit Head of the School of Nursing, exercised authority over the unit in which the adverse actions occurred and, upon information and belief, knew of the controversy concerning Ms. Luong and participated in, approved, ratified, or knowingly permitted employment actions affecting her. Eaton also received or was provided information concerning the March 16 meeting.

59. Defendant Lovell, as Dean of the College of Health and Behavioral Studies, exercised authority over the School of Nursing and, upon information and belief, learned of the escalating retaliation concerns and had authority to intervene in the continuing employment actions affecting Ms. Luong.

60. Each individual knew of Ms. Luong's protected activity before the adverse actions and personally participated in, caused, approved, ratified, or knowingly permitted the retaliatory action for which that Defendants are responsible.

61. Plaintiff does not seek to impose § 1983 liability merely because any Defendant occupied a supervisory position. Plaintiff seeks individual liability for each Defendant's own conduct and participation in the constitutional violation.

G. Constructive Discharge and Damages

62. By May 2026, the cumulative conditions had become intolerable. Ms. Luong's professional relationships had been disrupted, her workload and compensation expectations had been adversely changed, her performance record had been damaged, she had been professionally isolated, and internal University channels had failed to stop the retaliation.

63. Unable to continue under those conditions, Ms. Luong was compelled to resign from her faculty position in May 2026. Her resignation was the foreseeable culmination of the retaliatory course of conduct.

64. As a direct result, Ms. Luong lost her faculty position, annual salary of $80,000, and full employment benefits.

65. Ms. Luong also lost the opportunity to pursue a Doctor of Nursing Practice degree at JMU tuition-free, a benefit available to University employees. She had been accepted into the DNP program beginning in Fall 2026.

66. The loss of that terminal-degree opportunity materially impaired Ms. Luong's ability to advance her academic career and obtain tenure-track positions.

67. Ms. Luong has suffered and will continue to suffer lost wages and benefits, loss of earning capacity, emotional distress, reputational injury, and other compensable harm caused by Defendants' retaliation.

COUNT I: FIRST AMENDMENT FREEDOM OF SPEECH RETALIATION IN VIOLATION OF 42 U.S.C. § 1983

68. Ms. Luong incorporates by reference herein the preceding paragraphs of this Complaint.

69. Ms. Luong engaged in constitutionally protected speech when she reported research ethics violations and human subjects protection concerns, beginning in November 2025 through January 20, 2026, and continuing thereafter.

70. Ms. Luong's reports to the IRB concerned matters of public concern, including the integrity of human subjects research at a public institution, the coercive treatment of nursing students and faculty in the "Competency Over Time" project, and compliance with federally mandated research ethics requirements.

71. Ms. Luong did not have a professional obligation to report research ethics violations to the IRB. She spoke as a citizen on matters of public importance, not pursuant to her official duties as a nursing faculty member.

72. Ms. Luong's speech did not impede or conflict with the performance of her job duties, nor did it interfere with the operation of or undermine the legitimate mission of the University or Defendants.

73. Defendants had actual notice of Ms. Luong's protected speech through the IRB investigation and related proceedings.

74. Following Ms. Luong's protected disclosures, Defendants subjected her to a pattern of adverse employment actions, including but not limited to:

a. the abrupt termination of her mentorship relationship;

b. hostile and exclusionary treatment by faculty and colleagues;

c. imposition of new and burdensome job requirements;

d. modification of her employment contract without commensurate compensation;

e. a falsely negative performance evaluation; damage to her professional reputation;

75. Each of the above is an independent retaliatory act perpetrated by the Defendants. The Defendants had knowledge of Ms. Luong's protected acts and agreed in concert on executing the afore-mentioned acts of retaliation against Ms. Luong.

76. Defendants additionally rendered the conditions of employment so intolerable as to compel Ms. Luong's constructive discharge. This is an additional retaliatory act perpetrated by the Defendants.

77. Defendants retaliated against Ms. Luong because she engaged in constitutionally protected speech.

78. Defendants Jamie Robinson, Melody Eaton, and Sharon Lovell were personally involved in, or had supervisory responsibility for, the acts of retaliation described herein.

79. Defendants violated Ms. Luong's First Amendment rights and retaliated against her in violation of 42 U.S.C. § 1983.

80. Defendants' retaliation against a public employee for engaging in First Amendment protected speech is a violation of clearly established statutory and constitutional rights of which a reasonable person in their position would have known. Public university officials are charged with knowledge of these rights.

81. Defendants acted with reckless and/or callous indifference to Ms. Luong's constitutional rights.

WHEREFORE, Plaintiff Kathleen Elizabeth Luong prays for judgment against Defendants James Madison University, Jamie Robinson, Melody Eaton, and Sharon Lovell, jointly and severally, and requests the following relief:

(a) Compensatory damages, including for lost wages, lost benefits, lost earning capacity (including the lost DNP tuition benefit), and emotional distress;

(b) Punitive damages against the individual Defendants;

(c) Injunctive and equitable relief as appropriate;

(d) An award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and

(e) Such other and further relief as this Court deems just and proper.

JURY TRIAL RESPECTFULLY REQUESTED

UPON ALL ISSUES THAT MAY BE SUBMITTED TO A JURY

Respectfully submitted,

KATHLEEN ELIZABETH LUONG

/s/ Thomas E. Strelka
Thomas E. Strelka, Esq. (VSB # 75488)
VIRGINIA EMPLOYMENT LAW

Thomas E. Strelka, Esq. (VSB # 75488)
VIRGINIA EMPLOYMENT LAW
4227 Colonial Avenue
Roanoke, Virginia 24018
Tel: 540-283-0802
thomas@vaemployment.law

Counsel for Plaintiff