

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PRIVACY MATTERS, a voluntary unincorporated association; and **PARENT A**, president of Privacy Matters,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF EDUCATION; JOHN B. KING, JR., in his official capacity as United States Secretary of Education; **UNITED STATES DEPARTMENT OF JUSTICE; LORETTA E. LYNCH**, in her official capacity as United States Attorney General, and **INDEPENDENT SCHOOL DISTRICT NUMBER 706, STATE OF MINNESOTA**,

Defendants,

Jane Doe, by and through her mother, Sarah Doe,

Proposed Intervenor-
Defendant.

Case No. 0:16-CV-03015-WMW-LIB

DECLARATION OF JANE DOE IN SUPPORT OF MOTION TO INTERVENE BY JANE DOE, A MINOR CHILD, BY AND THROUGH HER MOTHER AND LEGAL GUARDIAN, SARAH DOE

I Jane Doe, declare:

1. I am Jane Doe, the high school student referenced as "Student X" throughout the complaint in the above-captioned case.
2. I am a fifteen year-old girl currently in my sophomore year of high school at Virginia High School in Virginia, MN. I expect to graduate from Virginia High School in May 2019.
3. In the spring of eighth grade in 2015—when I first began to live in accordance

with my female gender identity in all aspects of my life—my school initially refused to allow me to access the girls’ restrooms and locker rooms. Instead, they told me that I could use the restroom in the nurse’s office and, later, that I could also use a staff restroom that they converted to a gender-neutral restroom.

4. Both restrooms were difficult for me to use because of their location in relation to my classes. I would frequently be late for class as a result. It was especially difficult when I had to change for gym class because of the distance between the restrooms I could use and the gym. Often, the nurse’s office was occupied by a sick student and I would have to wait until the student was gone to use the restroom.
5. Along with the inconvenience was the fact that I felt like an outsider because I was not able to use the girls’ restrooms and locker rooms. It made me feel different and embarrassed to have to use a restroom that was different from everybody else. Even though it was emotionally difficult for me to have to use different facilities than the ones all the other girls use, I tried to make the best of it by focusing on the one positive thing, which was that the gender-neutral restrooms were higher quality facilities than the student restrooms.
6. Some students started rumors about me and I was ultimately called in to the principal’s office. The principal told me that she received complaints from other girls accusing me of asking to trade body parts with them and commenting on their breasts. Those allegations are completely false and hurtful. I told the principal that the allegations were false and she told me she believed me.
7. Towards the end of the fall of 2015, I learned more about my legal rights, including my right to use restrooms and locker room facilities in accordance with my identity as a girl. At that time, I had been living in accordance with my identity as a girl in all aspects of my life since the previous spring. Because I had learned about my legal rights, I began using the girls’ locker room to change for gym class. None of the other girls complained to me or said anything to me about my use of the girls’ locker room.
8. About a week after I started using the girls’ locker room to change for gym class, I was called down to the counselor’s office. Both my counselor and the dean of students were present. They wanted to talk to me about my use of the girls’ locker room. They agreed with me that, according to the law, I have the right to use the girls’ locker room but they were upset with me for not telling them in advance so that they would have time to notify parents and other students. I apologized for not

giving them advance notice. I did not receive any discipline and they did not instruct me to discontinue using the girls' locker room.

9. In January, 2016, I was finally allowed to play on the girls' basketball team and the school formally declared that I could use the girl's restrooms and locker rooms. Being able to play on girls' sports teams and to use girls' facilities has had a positive effect on me and my emotional health. I am grateful to be able to live fully as a girl and I feel more at ease and happy with myself as a person. I also feel like I can now fully enjoy my high school experience because I fit in more with my peers and I have a better bond with the other girls on my teams and in my classes.
10. In addition to playing on the basketball team in January 2016, I played on the track team in the spring of 2016 and am now playing on the volleyball team this semester.
11. When I learned about what was said about me in this complaint, I was devastated to hear and read about the terrible, false things they were claiming. I am very self-conscious about my own body and I do not make any comments about other girls' bodies. I have never intentionally followed girls who wanted to change in a separate area from me. I am not attracted to girls and do not use girls' restrooms and locker rooms to watch other girls undress.
12. When I am in the locker room, I never fully undress and I always wear at least a sports bra and bike shorts, which is virtually the same as the uniform that all girls on the volleyball team wear. If I ever have to undress beyond that, I use a bathroom stall.
13. I never made rude comments about other girls who did not want to change near me.
14. There were two instances where I unknowingly entered locker room facilities that were being used as alternative changing area by girls who did not want to change in the same locker room as me. In the first instance, during basketball season, I was with a friend who had left something in the locker room that was designated for the junior varsity (JV) girls. I played on the C-team and used a different locker room. My friend asked me to go with her to the JV locker room so she could get her things. When I entered the room, I saw a few girls who also play on the C-team. I did not think anything of it at the time but after we left the locker room, my friend told me that the C-team girls were staring at me. The following Monday, I

was called into the principal's office and talked to about entering the JV locker room. The principal told me that they had designated that locker room for use by girls who did not want to share a locker room with me. Nobody had informed me about that designation and I told her that I had no idea that I was doing anything wrong. I apologized and told her that it would not happen again.

15. The second time happened in the beginning of the track season. Because there are many girls on the track team, the locker room was very cramped and a lot of us had to put our things on the floor. Our coach came in to the locker room and announced that girls who wanted to could use the boy's locker room so that there would be more space for everybody. A few days later, it appeared that not very many girls were using the boys' locker room and a friend suggested that we go over and use the boys' locker room. Nobody complained to my face, but a few days later I was called into the principal's office and scolded for entering the alternative locker room for girls wanted to change in a different place than me. Once again, I had not been previously informed that the boys' locker room had been designated as an alternative locker room for girls who did not want to change near me. I told the principal that the coach announced that the boys' locker room was available so that there would be more room for everybody. Had I been told that it was an alternate facility for girls who did not want to change near me, I would not have used that locker room.
16. The complaint's allegations about dancing in the locker room are also distorted and hurtful. There is a stereo in the locker room and the music that is played on the stereo is chosen by the senior girls. I have no control over the music that is played in the locker room. There is a lot of music that is played that my friends and I enjoy listening to and dancing to. When I have danced in the locker room, it has been on occasions when my friends start dancing and I join in with them. We all dance in a similar way and I did not do anything different from any of the other girls who were dancing in the locker room.
17. The allegations in the complaint about my dancing felt especially hurtful to me. Virginia High School does not have very many students of color and there are usually only two other girls of color in the locker room. While the allegations in the complaint do not talk about my race, I feel that the description of my dancing as "twerking" has racial undertones.
18. I am very concerned about the possibility that I could be barred from using girls' restrooms and locker rooms as a result of this lawsuit. If that were to happen, I would again feel like an outcast and I would lose the bond that I have with my

friends. It would be harmful to my emotional well-being.

19. Attached as Exhibit 1 are true and correct copies of two recent pictures of me.

Dated: **October 12, 2016**

[REDACTED]
[REDACTED], identified above as "Jane Doe"

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Defendants,

Jane Doe, by and through her mother, Sarah Doe,

Proposed Intervenor-
Defendant.

Case No. 0:16-CV-03015-WMW-LIB

**PLACEHOLDER FOR DECLARATION
OF JANE DOE IN SUPPORT OF
MOTION TO INTERVENE BY JANE
DOE, A MINOR CHILD, BY AND
THROUGH HER MOTHER AND
LEGAL GUARDIAN, SARAH DOE**

This document is a place holder for the following item(s) which are filed in conventional or physical form with the Clerk's Office:

Declaration of Jane Doe in Support of Motion to Intervene by Jane Doe, a minor child, by and through her mother and legal guardian, Sarah Doe

If you are a participant in this case, this filing will be served upon you in conventional format.

This filing was not e-filed for the following reason(s):

- Voluminous Document* (Document number of order granting leave to file conventionally: *Enter Doc. #*)
- Unable to Scan Documents (e.g., PDF file size of one page larger than 15MB, illegible when scanned)

- Physical Object (description): *Enter Description*
- Non Graphical/Textual Computer File (audio, video, etc.) on CD or other media
- Item Under Seal pursuant to a court order* (Document number of protective order: *Enter Doc. #*)
- Item Under Seal pursuant to the Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1
(Document number of redacted version: 27)
- Other (description): *Enter Description*

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E-file this place holder in ECF in place of the documents filed conventionally. File a copy of this Placeholder and a copy of the NEF with the Clerk's Office along with the conventionally filed item(s).

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**PLACEHOLDER FOR EXHIBIT 1 OF
DECLARATION OF JANE DOE IN
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INTERVENE BY JANE DOE, A MINOR
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