

Exhibit D

WELCOME TO COLLEGE OF THE OZARKS 2020 – 2021

College of the Ozarks is unique among the nation's schools of higher learning. It is more than just another fully accredited four-year liberal arts coeducational college. The College's program has a five-fold emphasis— academic, vocational, Christian, patriotic, cultural. Our vision is to develop citizens of Christ-like character who are well-educated, hardworking, and patriotic. College of the Ozarks has a durable and vigorous spirit that has grown since its opening in 1906. The College welcomes anyone who desires a quality education and is willing to work to his/her potential. This handbook outlines the policies and procedures followed at C of O. The rules and regulations established by the College are intended to ensure that the rights of all are protected and not merely for the purpose of punishing anyone.

Rules and regulations in this handbook are in effect at the time of publication, August 1, 2017. Changes in these policies may be made by the administration of College of the Ozarks at any time. The most updated information may be found online through the campus web that is available to all students. <http://images.cofo.edu/cofo/handbook.pdf>

Mission

The mission of College of the Ozarks is to provide the advantages of a Christian education for youth of both sexes, especially those found worthy, but who are without sufficient means to procure such training.

Vision and Goals

The vision of College of the Ozarks is to develop citizens of Christ-like character who are well-educated, hard-working, and patriotic.

To achieve this vision, the College has academic, vocational, Christian, patriotic, and cultural goals. Even as College of the Ozarks has evolved through secondary and junior college stages to the present four-year liberal arts institution, the fundamental goals have remained the same.

Academic Goal

To provide a sound education, based in the liberal arts.

Vocational Goal

To promote a strong work ethic, encouraging the development of good character and values.

Christian Goal

To foster the Christian faith through the integration of faith with learning, living, and service.

Patriotic Goal

To encourage an understanding of American heritage, civic responsibilities, love of country, and willingness to defend it.

Cultural Goal

To cultivate an appreciation of the fine arts, an understanding of the world, and adherence to high personal standards.

Revised and approved by the Board of Trustees April 23, 2002

CHARACTER

Commitment

All students enrolled at College of the Ozarks are responsible for familiarizing themselves with the policies, rules, regulations, and standards of conduct identified in the Student Handbook. Upon enrollment, the student accepts and agrees to meet all of the College's expectations.

Attending College of the Ozarks is a privilege, not a right. The College of the Ozarks reserves the right to change any of the rules, regulations, and policies of the College at any time.

College of the Ozarks provides a strong academic education, as well as development of the whole person. The five fold mission serves to emphasize the values the College holds to produce well rounded individuals. As a result, the College places a high value on developing strong character within students.

Character Camp

Every new student starting at College of the Ozarks is required to attend Character Camp. Character Camp provides an enjoyable, intensive orientation to the College and clearly outlines what is expected of students. Character Camp also provides an outstanding leadership opportunity for orientation leaders, who are called "moms and pops." These select leaders are men and women who model the character expected of a C of O student. Throughout Character Camp they lead the "kids" in their family through the orientation process.

Honor Code

College of the Ozarks' emphasis on character begins when students arrive on campus for Character Camp and goes until the student's graduation or other separation from the College. During Character Camp, every new student will learn about the College honor code and is expected to sign and comply with the code while a student. The culminating event of Character Camp is the Honor Induction Etiquette Banquet, where students sign the honor code.

Champions of Character

College of the Ozarks is a part of the National Association of Intercollegiate Athletics (NAIA). The NAIA sponsors the Champions of Character program, which emphasizes respect, responsibility, integrity, servant leadership, and sportsmanship. Every student athlete is required to sign the Champions of Character Code Student Athlete Pledge listed below:

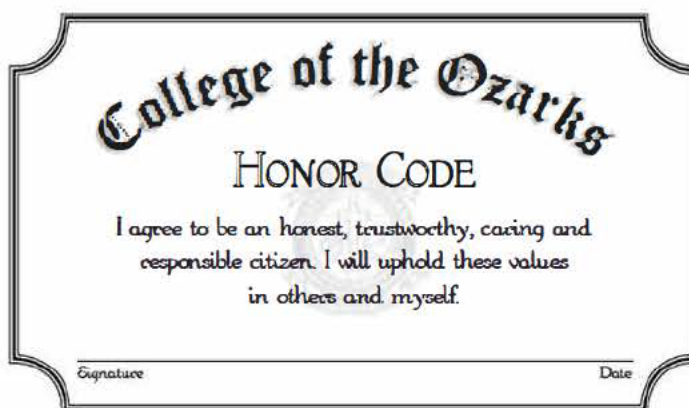
Each game and practice I participate in will provide me with an opportunity to be a "Champion of Character."

I pledge, as an NAIA student-athlete, to accept the five core character values of the NAIA and will do my best to represent the NAIA, my institution, my teammates, and myself by:

- respecting my opponent, the officials, my teammates, myself, and the game;
- taking responsibility for my actions in all areas of my life;
- having the integrity to stand by my word;
- providing servant leadership where I serve others while striving to be a personal and team leader;
- and being an example of sportsmanship by holding myself to the highest standards of fair play.

The Keeter Center for Character Education

College of the Ozarks established the Keeter Center for Character Education to provide programs and activities to enhance the development of character and good citizenship. Programs that are sponsored by the Keeter Center for Character Education include Character Forums, Community Convocations, the S. Truett Cathy Poverty Summit, the Annual Character Education Conference, and the First PLACE Program, which helps develop character education and leadership initiatives in Stone and Taney County schools and businesses.



Family Educational Rights and Privacy Act (FERPA)

College of the Ozarks complies with the Family Educational Rights and Privacy Act (FERPA) of 1974. In accordance with this federal law, the institution has adopted policies and procedures governing the confidentiality of student educational records. No individual shall have access to, nor will the institution disclose any information from, a student's educational record without the written consent of the student or as otherwise authorized by FERPA.

FERPA affords students certain rights with respect to the student's education records. They are:

1. Annual notification.
2. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
3. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
4. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

*Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605*

6. College of the Ozarks has designated the following information as directory information and may disclose such information at its discretion:
 - Name
 - Current enrollment status, including full or part-time.
 - Address, Local, Permanent or e-mail.
 - Telephone number.
 - Date of birth.
 - Major Fields of Study.
 - Student's photographic or videotaped image.
 - Dates of attendance.
 - Academic classification by year (e.g. freshman).
 - Awards and Honors (e.g. Dean's list).
 - Degree conferred (including dates).
 - Past and present participation in officially recognized sports and activities.
 - Weight/Height of members of athletic teams.

Currently enrolled students may withhold disclosure of any or all of 73 these types of information by contacting the Registrar's office, in writing, within 30 days from the first class day of any semester.

The written notification does not apply retroactively to previous releases of directory information, for example once the campus student directory is published, the information contained therein will remain. The request for non-disclosure will affect only the academic year within which it is requested. Note that directory information MAY be released; it is not required and the institution may choose not to release it. Students should understand that, by withholding directory information, some information considered important to students may not reach them. For additional information see www.cof.edu/policies.asp.

Non Discrimination Policy and Procedure

College of the Ozarks subscribes to the Family Educational Rights and Privacy Act of 1974 and is committed to a policy of nondiscrimination on the basis of age, color, handicap, race, sex and national origin in all of its programs and offerings. On matters of employment, the College relies on its exemption from Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act as a religious educational institution. Inquiries regarding nondiscrimination policies should be directed to the college compliance officer.

Students who wish to report discrimination of any kind should file a complaint with the Dean of Students and follow the Complaint Procedures set out in the Title IX Policy and Procedures (p. 6). The Dean of Students or a designee (the "Investigating Officer") will investigate the complaint following the Complaint Resolution Procedures set out in the College's Title IX Policy and Procedures (p. 17). A student may appeal the written report prepared by the Investigating Officer set forth in the Disciplinary Appeals Procedure (xi).

CONDUCT

Students at the College have agreed to follow the College's rules while they are a student, even if they do not personally agree with them. Students are expected to conduct themselves, both on and off campus as ambassadors of the College. Their conduct must reflect the academic, vocational, Christian, patriotic and cultural goals of the College.

Students must observe rules of courtesy, good manners and good conduct. Students must remove hats in classrooms, chapel, library and the dining hall and show respect for speakers at convocations and chapel services. Students must stand respectfully facing the flag, place their right hand over the heart and recognize the American flag during the national anthem and the Pledge of Allegiance. Students are responsible for the cleanliness and beauty of the campus. Students are expected to walk on sidewalks, put trash in the trash barrels, and keep the dining hall clean and attractive.

The College reserves the right at any time to refuse enrollment, deny a degree, or terminate attendance of a student whose conduct, attitude or appearance violates College rules and policies. If a student is expelled for violation of the College rules and policies, fees will not be refunded, and the College will bear no liability for such exclusion.

Each student is expected to familiarize themselves with the rules and policies contained in this student handbook. The consequences for violation of College rules and policies are set forth in the Disciplinary Policies and Procedures.

Lifestyle/Sexuality Policy

College of the Ozarks is guided by a long-standing traditional, biblical worldview which reflects the understanding that human sexuality is a gift from God, and that: sex assigned at birth is a person's God-given, objective gender, whether or not it differs from their internal sense of "gender identity" (Genesis 1:27; Leviticus 18:22; Matthew 19:4; Romans 1:26-27; 1 Corinthians 6:9-10); sexual relations are for the purpose of the procreation of human life and the uniting and strengthening of the marital bond in self-giving love, purposes that are to be achieved solely through heterosexual relationships in marriage (Genesis 1:28; 2:24; Exodus 20:14; Proverbs 5:15-23; Matthew 19:5; 1 Corinthians 6:12-20, 7:2-5; 1 Thessalonians 4:3).

Misuses of God's gift of human sexuality will be understood to include, but not be limited to gender expression inconsistent with sex assigned at birth (transgender), gender transition, sexual abuse, sexual harassment, sexual assault, heterosexual misconduct, homosexual conduct, or possession of pornographic materials. In addition, the College considers indiscreet public display of affection as inappropriate behavior.

Employees and students at College of the Ozarks are expected to conduct themselves at all times in accordance with the highest standards of Christian morality. It is particularly important to the College that high standards of sexual morality be observed among its employees and students.

Toward this end, the College may subject to disciplinary action any employee or student who engages in or encourages:

1. Gender expression inconsistent with sex assigned at birth;
2. Gender transition;
3. Sexual relations with a person other than his/her spouse;
4. Sexual relations with a person of the same sex;
5. Touching, caressing, and other physical conduct of a sexual nature with a person of the same sex;
6. Touching, caressing, and other physical conduct of a sexual nature with a person of the opposite sex that is inappropriate to the time and place in which it occurs.

Disciplinary action may include disciplinary dismissal.

I. Policy Statement

Consistent with the College's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 *et seq.*), College of the Ozarks (the "College") prohibits Sexual Harassment that occurs within its education programs and activities.

As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty member, staff, students, contractors, guests, and other members of the College community who commit Sexual Harassment are subject to the full range of College discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the College's education programs and activities.

II. Scope

This policy applies to Sexual Harassment that occurs within the College's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the College's Education Programs and Activities; such Sexual Misconduct may be prohibited by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other College policies and standards if committed by an employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College's Education Programs and Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other College policies and standards if committed by an employee.

Residence Hall Living

The goal of the Residential Life program is to create an environment in the residence hall conducive to the academic, physical, and personal development of each resident. Hall living provides a unique experience for learning cooperative living skills, as well as individual responsibility.

Student Residential Policy

All unmarried students are required to live on campus. After the first year at the College, students may be considered for off-campus status if:

- they live with parents/legal guardians and demonstrate a significant financial need (living within forty miles of the College);
- they are married (living within forty miles of the College);
- they are a Veteran of the armed services (living within forty miles of the College).

Exceptions to the first-year policy are considered for Veterans of the armed services.

Students are reminded there is a maximum number of commuting positions available. Priority is given to students who are student teaching or completing nursing preceptorships outside the forty-mile distance.

Room Assignments and Consolidation

The College provides opportunities for students to express their preferences about rooms and roommates. However, the College assigns student rooms and roommates and reserves the right to consolidate room assignments as is necessary to make the best possible use of our facilities. All students must check in and out properly whenever

moving in and out of the residence halls. Students failing to follow the check in or out procedures may lose their room deposit and/or be fined.

Room Changes

All room assignments are made through the residence directors. During the semester, room changes may be made only when authorized by the residence director or the Dean of Students. Towards the end of each semester, students complete an online housing intent survey, which allows them to request a new room and/or roommate for the next semester. All changes must be approved by the residence directors.

Guests

No one under age 18 or of the opposite sex is allowed in the living areas of the residence hall except during Open House and move in day for new students. Overnight guests must be at least 18 years of age and of the same sex and may only stay overnight on Friday and Saturday nights. Overnight guests must be registered with the residence director no later than Thursday at 5pm of the same week he or she plans to stay. Failure to register will result in a \$50.00 fee to be paid by the resident. Overnight guests are not allowed during the week unless special permission has been granted by the residence director. The student hosting the guest is responsible for the actions of the guest while on campus

Lobbies and Lounges

Lounges are provided in each residence hall for relaxing, socializing, and entertaining members of the opposite sex. The areas off limits for the opposite sex are rooms, hallways, stairways, and landings. Failure to comply with this regulation will result in immediate disciplinary action as determined by the Dean of Students.

Room Checks

Room checks will be conducted by the housing staff each week to ensure residents are meeting the expectations and maintaining a safe and healthy standard of living. Residents are expected to keep their rooms clean and neat, trash removed from room, and bathroom clean (for students living in a suite). Students who fail 3 times within a given term (fall, spring, or summer) will be considered in violation of the College's Residence Hall Policy. This major violation includes, but is not limited to administrative reprimand, disciplinary probation, disciplinary suspension, or disciplinary dismissal. Students need to talk with their resident assistant or residence director to understand the full expectations regarding room cleanliness.

Room Safety

Periodically, additional safety inspections will be made of residential halls, including student rooms, to identify fire hazards and violations. Room inspections are designed to point out hazards that have been overlooked. Students will be expected to make the necessary corrections if any hazardous conditions are found to exist in his/her room.

These guidelines and regulations are in place for your safety and the safety of your neighbors. Fire safety is everyone's responsibility. Please do your part to help make your residence hall community a safe place to live.

Bunk Bed Ladders and Rails

Bunk bed rails are not installed on bunk beds in the residence halls, but will be made available upon a student's request, at the student's option. Ladders are provided for all bunk beds in residence halls and are required to be used by the student when accessing and exiting the top bunk. Failure to properly use the ladder to access and exit the top bunk or the failure to request and properly use bed rails could result in injuries, including death, and any person who fails to properly use the ladder or to request and properly use a bed rail for a bunk bed assumes the risk of injury, including death, that may result from such failure. The College is not responsible for any misuse of or failure to use the ladder, any failure of the student to request bed rails, or any misuse of or failure to use the bed rails. If a student is aware that any part of the bunk bed, ladder or any provided bed rail appears damaged or faulty, a report should be made immediately to the residence director or Dean of Students.

Room Search and Entry

We respect the privacy of students in the residence hall; however, our College officials reserve the right to enter student rooms for the purpose of inspecting the premises when an authorized person has reasonable belief, including but not limited to the following:

1. That college policy is being violated.
2. That an occupant may be physically endangered or harmed.
3. That college or personal property is being damaged.
4. Rooms may be entered for emergencies, when routine maintenance or service is needed, request for a specific repair is necessary, and for regular inspections for cleanliness.
5. The Dean of Students and/or residence director may enter a student's room before men's or women's open house to see that rooms are in proper working order and meet college policy.

If practical, the residence director or assistants will not enter a student's room unless occupied or another authorized person is present. If there is reasonable belief that college policy is being violated, a room search may be necessary. Authorization must be received from the Dean of Students or his representative. Two authorized persons will be present during the search. A room search will not be conducted without making every attempt to see that the occupants are present.

CHRISTIAN

The vision for The School of the Ozarks (now College of the Ozarks) was created by the Reverend James Forsythe, a Presbyterian minister who wanted to establish a school that would integrate faith and learning. The Christian faith is an integral part of the life at College of the Ozarks. Students are not required to belong to a particular faith, however all members of the College community are expected to adhere to Christian values and expectations. The Christian faith is stressed and no denominational emphasis is made. The College has students of different denominations and helps them become more faithful members of their respective churches and grow in their faith. Guiding statements of faith include the Apostles' Creed and the Nicene Creed.

The Apostles' Creed

The basic creed of Reformed churches, as most familiarly known, is called the Apostles' Creed. It has received this title because of its great antiquity; it dates from very early times in the Church, a half century or so from the last writings of the New Testament.

I believe in God, the Father Almighty, the Creator of heaven and earth.

And in Jesus Christ, His only Son, our Lord: Who was conceived of the Holy Ghost, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, died, and was buried. He descended into hell. The third day He arose again from the dead. He ascended into heaven and sits at the right hand of God the Father Almighty, from whence He shall come to judge the living and the dead.

I believe in the Holy Spirit, the holy *catholic church, the communion of saints, the forgiveness of sins, the resurrection of the body, and the life everlasting. Amen.

* often see "Christian Church" (catholic means "universal")

The Nicene Creed

This additional creed is a statement of the orthodox faith in the early Christian Church, in opposition to certain heresies in the third and fourth centuries, namely the truth surrounding the doctrine of the Trinity and of the person of Jesus Christ. This creed delineates the deity and humanity of Christ, as well as the deity of the Holy Spirit proceeding from both God the Father and God the Son.

I believe in one God, the Father Almighty, Maker of heaven and earth, and of all things visible and invisible.

And in one Lord Jesus Christ, the only-begotten Son of God, begotten of the Father before all worlds; God of God, Light of Light, very God of very God; begotten, not made, being of one substance with the Father, by whom all things were made.

Who, for us men for our salvation, came down from heaven, and was incarnate by the Holy Ghost of the virgin Mary, and was made man; and was crucified also for us under Pontius Pilate; He suffered and was buried; and the third day He rose again, according to the Scriptures; and ascended into heaven, and sits on the right hand of the Father; and He shall come again, with glory, to judge the quick and the dead; whose kingdom shall have no end.

And I believe in the Holy Ghost, the Lord and Giver of Life; who proceeds from the Father and the Son; who with the Father and the Son together is worshipped and glorified; who spoke by the prophets.

And I believe one holy catholic and apostolic Church. I acknowledge one baptism for the remission of sins; and I look for the resurrection of the dead, and the life of the world to come. Amen.

Chapel

As a community of faith, the College of the Ozarks holds weekly chapel services on Sundays at 11:00 a.m. in Williams Memorial Chapel. Chapel services are open to all individuals who would like to worship together in a reverent and traditional manner. These worship services are transdenominational, designed with an emphasis on the Holy Spirit's enabling grace offered to all through Jesus for God's glory.

Chapel Requirements

All full-time students (12 hours or more per semester) with less than 91 academic college hours are required to attend Sunday morning chapel a minimum of five times during each semester. Students may receive credit for a maximum of ten services as part of the overall Chapel and Convocation Program. Students must be on time in order to receive credit. Students who do not attend five services will be in danger of being placed on chapel/convocation probation. Students on probation will need to attend the deficient number of services from the prior semester in addition to the required five services for the current semester in order to get off of probation. Students on chapel/convocation probation will not be allowed to represent the College in any activity while on probation. (For more information on chapel/convocation probation status and how to get off probation see the Chapel/Convocation Probation section in the Cultural section). Students are allowed to attend chapel services during the summer to get ahead for the fall semester. Students cannot carry over extra chapel attendances from a current semester to a future semester.

Chapel/Business Dress

All students attending convocation and chapel programs need to wear appropriate clothing that meet the standards outlined in the College's Appearance Code. Students who do not meet the standards will be asked to go back and change to comply with the appearance for business attire.

Religious Organizations

More information regarding religious organizations at College of the Ozarks can be found in the campus organizations section. Organizations meeting regularly and recognized by the College are:

- Baptist Student Union (BSU)
- Catholic Campus Ministries
- Chi Alpha
- Fellowship of Christian Athletes (FCA)
- Missions Club
- Mu Kappa (Missionary Kids)

PATRIOTIC

Patriotic Emphasis

The patriotic goal of the College encourages an understanding of American heritage, civic responsibility, love of country, and willingness to defend it. The College proudly embraces the patriotic traditions of the United States of America and provides many programs and activities throughout the year that emphasize patriotism. These include:

- Honor America, the College's annual Independence Day celebration;
- September 11 Annual Commemoration;
- Reading of the Constitution on Constitution Day;
- Veterans Day service.

Additionally, the College provides numerous opportunities for students to learn, become involved, and show respect to our nation. These opportunities include:

- Courses in ROTC (Reserve Officers Training Corps) and Military Science (Patriotic Education and Fitness) provide formal academic training about citizenship, and if desired, joining the military.
- Student organizations, such as College Republicans, Young Americans for Freedom (YAF), and Young Americans for Liberty, sponsor events to enhance awareness and encourage participation in the political process.
- Decorum: During the presentation of colors, singing or playing of the Star Spangled Banner, or recitation of the Pledge of Allegiance, all members of the College community, and guests, are expected to stand, be respectful, and attentive.

Patriotic Education Travel

The Patriotic Education Travel Program provides once-in-a-lifetime experiences for students and Veterans. The program pairs students with Veterans as they travel back to the battlefields where they served. This program honors Veterans and helps educate the younger generation, instilling an appreciation for the sacrifices of American servicemen and women. Outcomes of this unique program include:

- Life-changing experiences for students;
- Life-long relationships with, and respect for, Veterans;
- A dramatically increased love for the United States.

Travel destinations have included:

- England, France, Belgium, the Netherlands, Luxembourg, and Germany
- Pearl Harbor, Okinawa, Hiroshima, Iwo Jima, Tokyo, the Philippines, Solomon Islands, and the Mariana Islands;
- China;
- Germany, Poland, Austria, the Slovak Republic, and the Czech Republic;
- Korea;
- Vietnam;
- Washington, D.C.

Student-applicants submit essays describing their desire to learn from Veterans. The highly competitive process has produced student-Veteran pairings who share experiences and a bond between two very different generations that is cherished by both. College of the Ozarks and its generous donors fund the Patriotic Education Travel Program.

Patriots Park

Patriots Park exists to honor, respect, and memorialize those who served, including many who gave their lives, to defend liberty. Students have opportunities to participate in educational services and programs that College provides here periodically. The park includes:

- Veterans Grove: Which consists of over 130 maple trees that honor Veterans who have traveled with the program;
- The Greatest Generations Plaza;
- The Missouri Vietnam Veterans Memorial;
- The Missouri Gold Star Families Memorial Monument;
- The Korean War Memorial.

CULTURAL

The Cultural Goal of the College *is to cultivate an appreciation of the fine arts, an understanding of the world, and adherence to high personal standards.*

To accomplish the Cultural Goal of the College, the Dean of Students office, the Christian Ministries department, and various departments throughout the College offer Convocations, Concerts, and Chapel Programs to augment learning in the classroom.

Throughout the year, national, local, and regional guest speakers and groups are invited to campus to provide programs that foster an appreciation of fine arts and broaden students' understanding of the world. Often there are opportunities for question and answer sessions with guest speakers while they are on campus.

The College seeks to create programming and opportunities for students, which develop broad based knowledge and understanding of culture.

Convocation and Chapel Program

College of the Ozarks is a Christian community which seeks to develop citizens of Christ-like character who are well-educated, hard-working and patriotic. In an effort to offer unique learning opportunities and community worship, students participate in extra-curricular convocations and chapel programs. All full-time students (12 hours or more per semester) with less than 91 academic college hours are required to participate in the convocation and chapel program. Each semester, students are required to attend at least 15 programs of the following:

1. Chapel: Students are required to attend at least five services, maximum of 10 services for credit per semester.
2. Convocation Programs: Students are required to attend at least one program each semester in each of the five Mission Emphasis of the College. Academic, Vocational, Christian, Patriotic, and Cultural. A total of five credits are needed to fulfill this part.
3. Students have the choice to attend additional chapel services or convocation programs to complete the required 15 programs needed each semester.

Students are expected to conduct themselves in a manner that represents themselves and the College well. Students who talk, text or other phone use, cause disruptions during convocations, use unauthorized video/audio recording devices, are dressed inappropriately, show up after the program has started, or leave early will not receive credit and may be dismissed from the convocation. Most convocation programs are one hour or less in length, but some are longer. Regardless of length, students need to stay the entire time in order to receive convocation credit. All convocations and chapel programs will require business attire.

Chapel/Convocation Probation

Students who do not attend the required number of services will be in danger of being placed on chapel/convocation probation. Students will be placed on probation when they have three deficiencies and will need to attend the deficient number of services from the prior semester, in addition to the current semester requirements, in order to get off probation. Students attempting to obtain credit for convocations other than the appropriate manner will be subject to chapel/convocation probation and/or additional disciplinary sanctions. Students on chapel/convocation probation will not be allowed to represent the College in any activity while on probation.

Exhibit E



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

SPECIAL ATTENTION OF:

HUD Regional and Field Office Directors of
Public and Indian Housing (PIH); Housing;
Community Planning and Development
(CPD); Fair Housing and Equal Opportunity;
and Regional Counsel; CPD, PIH, and
Housing Program Providers

FHEO Notice: **FHEO-2020-01**
Issued: January 28, 2020
Expires: Effective until Amended,
Superseded, or Rescinded.

Subject: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act

- 1. Purpose:** This notice explains certain obligations of housing providers under the Fair Housing Act (FHA) with respect to animals that individuals with disabilities may request as reasonable accommodations. There are two types of assistance animals: (1) service animals, and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a "support animal"). Persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals, under the FHA. This guidance provides housing providers with a set of best practices for complying with the FHA when assessing requests for reasonable accommodations to keep animals in housing, including the information that a housing provider may need to know from a health care professional about an individual's need for an assistance animal in housing. This guidance replaces HUD's prior guidance, FHEO-2013-01, on housing providers' obligations regarding service animals and assistance animals. In particular, this guidance provides a set of best practices regarding the type and amount of documentation a housing provider may ask an individual with a disability to provide in support of an accommodation request for a support animal, including documentation of a disability (that is, physical or mental impairments that substantially limit at least one major life activity) or a disability-related need for a support animal when the disability or disability-related need for the animal is non-obvious and not known to the housing provider. By providing greater clarity through this guidance, HUD seeks to provide housing providers with a tool they may use to reduce burdens that they may face when they are uncertain about the type and amount of documentation they may need and may be permitted to request when an individual seeks to keep a support animal in housing. Housing providers may be subject to the requirements of several civil rights laws, including but not limited to the FHA, Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA). This guidance does not address how HUD will process complaints against housing providers under Section 504 or the ADA.

2. **Applicability:** This notice applies to all housing providers covered by the FHA.¹
3. **Organization:** There are two sections to this notice. The first, “Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act,” recommends a set of best practices for complying with the FHA when assessing accommodation requests involving animals to assist housing providers and help them avoid violations of the FHA. The second section to this notice, “Guidance on Documenting an Individual’s Need for Assistance Animals in Housing,” provides guidance on information that an individual seeking a reasonable accommodation for an assistance animal may need to provide to a housing provider about his or her disability-related need for the requested accommodation, including supporting information from a health care professional.

Questions regarding this notice may be directed to the HUD Office of Fair Housing and Equal Opportunity, Office of the Deputy Assistant Secretary for Enforcement and Programs, or your local HUD Office of Fair Housing and Equal Opportunity.

Anna María Farías, Assistant Secretary for
Fair Housing and Equal Opportunity

¹ The Fair Housing Act covers virtually all types of housing, including privately owned housing and federally assisted housing, with a few limited exceptions.

Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act²

The Fair Housing Act (FHA) makes it unlawful for a housing provider³ to refuse to make a reasonable accommodation that a person with a disability may need in order to have equal opportunity to enjoy and use a dwelling.⁴ One common request housing providers receive is for a reasonable accommodation to providers’ pet or no animal policies so that individuals with disabilities are permitted to use assistance animals in housing,⁵ including public and common use areas.

Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities.⁶ There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to in this guidance as a “support animal”).⁷ An animal that does not qualify as a service animal or other type of assistance animal is a pet for purposes of the FHA and may be treated as a pet for purposes of the lease and the housing provider’s rules and policies. A housing provider may exclude or charge a fee or deposit for pets in its discretion and subject to local law but not for service animals or other assistance animals.⁸

² This document is an integral part of U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity Notice FHEO-2020-01, dated January 28, 2020 (sometimes referred to as the “Assistance Animal Notice”).

³ The term “housing provider” refers to any person or entity engaging in conduct covered by the FHA. Courts have applied the FHA to individuals, corporations, partnerships, associations, property owners, housing managers, homeowners and condominium associations, cooperatives, lenders, insurers, real estate agents, brokerage services, state and local governments, colleges and universities, as well as others involved in the provision of housing, residential lending, and other real estate-related services.

⁴ 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204. Unless otherwise specified, all citations refer to those authorities effective as of the date of the publication of this guidance.

⁵ For purposes of this guidance, the term “housing” refers to all housing covered by the Fair Housing Act, including apartments, condominiums, cooperatives, single family homes, nursing homes, assisted living facilities, group homes, domestic violence shelters, emergency shelters, homeless shelters, dormitories, and other types of housing covered by the FHA.

⁶ See 24 C.F.R. § 5.303(a).

⁷ Under the FHA, a disability is a physical or mental impairment that substantially limits one or more major life activities. See 24 C.F.R. § 100.201.

⁸ See Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (“Joint Statement”), Q and A 11 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>; *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011). HUD views the Joint Statement as well-reasoned guidance on some of the topics addressed in this guidance. The Joint Statement, available to the public since 2004, has been cited from time to time by courts. See, e.g., *Bhogaita v. Altamonte Heights Condo. Ass’n*, 765 F.3d 1277, 1286 (11th Cir. 2014); *Sinisgallo*

As of the date of the issuance of this guidance, FHA complaints concerning denial of reasonable accommodations and disability access comprise almost 60% of all FHA complaints and those involving requests for reasonable accommodations for assistance animals are significantly increasing. In fact, such complaints are one of the most common types of fair housing complaints that HUD receives. In addition, most HUD charges of discrimination against a housing provider following a full investigation involve the denial of a reasonable accommodation to a person who has a physical or mental disability that the housing provider cannot readily observe.⁹

HUD is providing this guidance to help housing providers distinguish between a person with a non-obvious disability who has a legitimate need for an assistance animal and a person without a disability who simply wants to have a pet or avoid the costs and limitations imposed by housing providers' pet policies, such as pet fees or deposits. The guidance may also help persons with a disability who request a reasonable accommodation to use an assistance animal in housing.

While most requests for reasonable accommodations involve one animal, requests sometimes involve more than one animal (for example, a person has a disability-related need for both animals, or two people living together each have a disability-related need for a separate assistance animal). The decision-making process in this guidance can be used for all requests for exceptions or modifications to housing providers' rules, policies, practices, and/or procedures so persons with disabilities can have assistance animals in the housing where they reside.

This guidance is provided as a tool for housing providers and persons with a disability to use at their discretion and provides a set of best practices for addressing requests for reasonable accommodations to keep animals in housing where individuals with disabilities reside or seek to reside. It should be read together with HUD's regulations prohibiting discrimination under the FHA¹⁰ —with which housing providers must comply— and the HUD/Department of Justice (DOJ) Joint Statement on Reasonable Accommodation under the Fair Housing Act, available at <https://www.hud.gov/sites/documents/huddojstatement.pdf>. A housing provider may also be subject to the Americans with Disabilities Act (ADA) and therefore should also refer to DOJ's regulations implementing Title II and Title III of the ADA at 28 C.F.R. parts 35 and 36, and DOJ's guidance on service animals, *Frequently Asked Questions about Service Animals and the ADA* at https://www.ada.gov/regs2010/service_animal_qa.html and *ADA Requirements: Service Animals* at https://www.ada.gov/service_animals_2010.htm. This guidance replaces HUD's prior guidance on housing providers' obligations regarding service animals and assistance animals.¹¹ Housing

v. Town of Islip Hous. Auth., 865 F. Supp. 2d 307, 336-42 (E.D.N.Y. 2012). However, HUD does not intend to imply that the Joint Statement is independently binding statutory or regulatory authority. HUD understands it to be subject to applicable limitations on the use of guidance. See "Treatment as a Guidance Document" on p.5 for a citation of authorities on permissible use of guidance.

⁹ See, e.g., *HUD v. Castillo Condominium Ass'n*, No. 12-M-034-FH-9, 2014 HUD ALJ LEXIS 2 (HUD Sec'y, October 02, 2014) aff'd, 821 F.3d 92 (1st Cir. 2016); *HUD v. Riverbay*, No. 11-F-052-FH-18, 2012 HUD ALJ LEXIS 15 (HUD ALJ, May 07, 2012), aff'd, 2012 ALJ LEXIS 19 (HUD Sec'y June 06, 2012).

¹⁰ 24 C.F.R. Part 100.

¹¹ FHEO-2013-01.

providers should not reassess requests for reasonable accommodations that were granted prior to the issuance of this guidance in compliance with the FHA.

Treatment as a Guidance Document

As a guidance document, this document does not expand or alter housing providers' obligations under the Fair Housing Act or HUD's implementing regulations. It should be construed consistently with Executive Order 13891 of October 9, 2019 entitled "Promoting the Rule of Law Through Improved Agency Guidance Documents," Executive Order 13892 of October 9, 2019 entitled "Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," the Office of Management and Budget Memorandum M-20-02 entitled "Guidance Implementing Executive Order 13891, Titled 'Promoting the Rule of Law Through Improved Agency Guidance Documents,'" the Department of Justice Memorandum of January 25, 2018 entitled "Limiting Use of Agency Guidance Documents in Affirmative Civil Enforcement Cases," and the Department of Justice Memorandum of November 16, 2017 entitled "Prohibition on Improper Guidance Documents."

Part I: Service Animals

The FHA requires housing providers to modify or make exceptions to policies governing animals when it may be necessary to permit persons with disabilities to utilize animals.¹² Because HUD interprets the FHA to require access for individuals who use service animals, housing providers should initially follow the analysis that DOJ has determined is used for assessing whether an animal is a service animal under the ADA.¹³ The Department of Justice's ADA regulations generally require state and local governments and public accommodations to permit the use of service animals by an individual with a disability.¹⁴ For support animals and other assistance animals that may be necessary in housing, although the ADA does not provide for access, housing providers must comply with the FHA, which does provide for access.¹⁵

¹² 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204. See also Pet Ownership for the Elderly and Persons with Disabilities – Final Rule, 73 Fed. Reg. 63833 (Oct. 27, 2008).

¹³ 24 C.F.R. § 100.204(b).

¹⁴ 28 C.F.R. §§ 35.136(g); 36.302(c)(7).

¹⁵ Specifically, under the Fair Housing Act, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with disabilities, or provide emotional support to alleviate a symptom of effect of a disability. Separate regulations govern airlines and other common carriers, which are outside the scope of this guidance.

What is a service animal?

Under the ADA, “*service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.”¹⁶

As a best practice, housing providers may use the following questions to help them determine if an animal is a service animal under the ADA:¹⁷

1. Is the animal a dog?
 - If “yes,” proceed to the next question.
 - If “no,” the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed.¹⁸ Proceed to Part II below.
2. Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?
 - If “yes,” further inquiries are unnecessary and inappropriate because the animal is a service animal.¹⁹
 - If “no,” proceed to the next question.

It is *readily apparent* when the dog is observed:

- guiding an individual who is blind or has low vision
- pulling a wheelchair
- providing assistance with stability or balance to an individual with an observable mobility disability²⁰

3. It is advisable for the housing provider to limit its inquiries to the following two questions:
 - The housing provider may ask in substance: (1) “Is the animal required because of a

¹⁶ 28 C.F.R. §§ 35.104; 36.104 (emphasis added).

¹⁷ 28 C.F.R. §§ 35.136; 36.302(c).

¹⁸ Although a miniature horse is not a service animal, DOJ has determined that the same type of analysis is applied to determine whether a miniature horse should be provided access, although additional considerations, beyond the scope of this guidance, apply. *See* 28 C.F.R. §§ 35.136(i); 36.302(c)(9).

¹⁹ 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

²⁰ 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

disability?” and (2) “What work or task has the animal been trained to perform?”²¹ Do not ask about the nature or extent of the person’s disability, and do not ask for documentation. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.

- If the answer to question (1) is “yes” and work or a task is identified in response to question (2), grant the requested accommodation, if otherwise reasonable, because the animal qualifies as a service animal.
- If the answer to either question is “no” or “none,” the animal does not qualify as a service animal under federal law but may be a support animal or other type of assistance animal that needs to be accommodated. HUD offers guidance to housing providers on this in Part II.

Performing “work or tasks” means that the dog is trained to take a specific action when needed to assist the person with a disability.

- If the individual identifies at least one action the dog is trained to take which is helpful to the disability other than emotional support, the dog should be considered a service animal and permitted in housing, including public and common use areas. Housing providers should not make further inquiries.
- If no specific work or task is identified, the dog should not be considered a service animal but may be another type of animal for which a reasonable accommodation may be required. Emotional support, comfort, well-being, and companionship are not a specific work or task for purposes of analysis under the ADA.

For more information, refer to the ADA rules and service animal guidance on DOJ’s ADA Home Page at www.ada.gov²² or call the ADA Information Line at 1-800-514-0301.

Part II: Analysis of reasonable accommodation requests under the Fair Housing Act for assistance animals other than service animals

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces.

Remember: While it is not necessary to submit a written request or to use the words “reasonable accommodation,” “assistance animal,” or any other special words to request a reasonable accommodation under the FHA, persons making a request are encouraged to do so in order to avoid

²¹ 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

²² See *Frequently Asked Questions About Service Animals and the ADA* at https://www.ada.gov/regs2010/service_animal_qa.html; *ADA Requirements: Service Animals* at https://www.ada.gov/service_animals_2010.htm.

miscommunication.²³ Persons with disabilities may also want to keep a copy of their reasonable accommodation requests and supporting documentation in case there is a later dispute about when or whether a reasonable accommodation request was made. Likewise, housing providers may find it helpful to have a consistently maintained list of reasonable accommodation requests.²⁴

A resident may request a reasonable accommodation either before or after acquiring the assistance animal.²⁵ An accommodation also may be requested after a housing provider seeks to terminate the resident's lease or tenancy because of the animal's presence, although such timing may create an inference against good faith on the part of the person seeking a reasonable accommodation. However, under the FHA, a person with a disability may make a reasonable accommodation request at any time, and the housing provider must consider the reasonable accommodation request even if the resident made the request after bringing the animal into the housing.²⁶

As a best practice, housing providers may use the following questions to help them make a decision when the animal does not meet the definition of service animal.²⁷

4. Has the individual requested a reasonable accommodation — that is, asked to get or keep an animal in connection with a physical or mental impairment or disability?

Note: The request for a reasonable accommodation with respect to an assistance animal may be oral or written. It may be made by others on behalf of the individual, including a person legally residing in the unit with the requesting individual or a legal guardian or authorized representative.²⁸

- If “yes,” proceed to Part III.
- If “no,” the housing provider is not required to grant a reasonable accommodation that has not been requested.

Part III: Criteria for assessing whether to grant the requested accommodation

As a best practice, housing providers may use the following questions to help them assess whether

²³ See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

²⁴ See Joint Statement, Q and A 13 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

²⁵ See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

²⁶ See 24 C.F.R. § 100.204(a).

²⁷ See *Janush v. Charities Hous. Dev. Corp.*, 169 F.Supp.2d 1133, 1136-37 (N.D. Cal., 2000) (rejecting an argument that a definition of “service dog” should be read into the Fair Housing Act to create a rule that accommodation of animals other than service dogs is per se unreasonable, instead finding that “the law imposes on defendants the obligation to consider each request individually and to grant requests that are reasonable.”).

²⁸ See Joint Statement, Q and A 12 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

to grant the requested accommodation.

5. Does the person have an observable disability or does the housing provider (or agent making the determination for the housing provider) already have information giving them reason to believe that the person has a disability?
 - If “yes,” skip to question #7 to determine if there is a connection between the person’s disability and the animal.
 - If “no,” continue to the next question.

Observable and Non-Observable Disabilities

Under the FHA, a disability is a physical or mental impairment that substantially limits one or more major life activities. While some impairments may seem invisible, others can be readily observed. Observable impairments include blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (*e.g.*, stroke, Parkinson’s disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.²⁹ Observable impairments generally tend to be obvious and would not be reasonably attributable to non-medical causes by a lay person.

Certain impairments, however, especially including impairments that may form the basis for a request for an emotional support animal, may not be observable. In those instances, a housing provider may request information regarding both the disability and the disability-related need for the animal. Housing providers are not entitled to know an individual’s diagnosis.

6. Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?³⁰
 - If “yes,” proceed to question #7. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.
 - If “no,” the housing provider is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so.³¹ To assist the person requesting the

²⁹ See 24 C.F.R. § 100.201.

³⁰ See Joint Statement, Q and A 17 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

³¹ This would not permit the housing provider to require any independent evaluation or diagnosis specifically obtained for the housing provider or for the housing provider to engage in its own direct

accommodation to understand what information the housing provider is seeking, the housing provider is encouraged to direct the requester to the Guidance on Documenting an Individual's Need for Assistance Animals in Housing. Referring the requester to that Guidance will also help ensure that the housing provider receives the disability-related information that is actually needed to make a reasonable accommodation decision.

Information About Disability May Include . . .

- A determination of disability from a federal, state, or local government agency.
- Receipt of disability benefits or services (Social Security Disability Income (SSDI), Medicare or Supplemental Security Income (SSI) for a person under age 65, veterans' disability benefits, services from a vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency.
- Eligibility for housing assistance or a housing voucher received because of disability.
- Information confirming disability from a health care professional – *e.g.*, physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse.

Note that a determination that an individual does not qualify as having a disability for purposes of a benefit or other program does not necessarily mean the individual does not have a disability for purposes of the FHA, Section 504, or the ADA.³²

Disability Determination

Note that under DOJ's regulations implementing the ADA Amendments Act of 2008, which HUD considers instructive when determining whether a person has a disability under the FHA, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability.³³ Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia.³⁴ This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities. While housing providers will be unable to observe or identify some of these impairments, individuals with disabilities sometimes voluntarily provide more details about their disability than the housing provider actually needs to make decisions on accommodation requests. When this information is provided, housing providers should consider it.

evaluation. *See* Joint Statement, Q and A 17-18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

³² *See* Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

³³ *See* 28 C.F.R. §§ 35.108(d)(2); 36.105(d)(2).

³⁴ *See* 28 C.F.R. §§ 35.108(d)(2)(iii); 36.105(d)(2)(iii).

Documentation from the Internet

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known.³⁵ In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.

7. Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability?³⁶
 - If "yes," proceed to Part IV. A housing provider, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the tenant under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.
 - If "no," the housing provider is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so. To assist the person requesting the accommodation to understand what information the housing provider is seeking, the housing provider is encouraged to direct the requester to the Guidance on Documenting an Individual's Need for Assistance Animals in Housing. Referring the requester to that Guidance will also help ensure that the housing provider receives the disability-related information that is actually needed to make a reasonable accommodation decision.

³⁵ See Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

³⁶ See *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011) (determining that, in housing, a broader variety of assistance animals may be necessary as a reasonable accommodation, regardless of specific training).

**Information Confirming Disability-Related Need
for an Assistance Animal. . .**

- Reasonably supporting information often consists of information from a licensed health care professional – *e.g.*, physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, or nurse – general to the condition but specific as to the individual with a disability and the assistance or therapeutic emotional support provided by the animal.
- A relationship or connection between the disability and the need for the assistance animal must be provided. This is particularly the case where the disability is non-observable, and/or the animal provides therapeutic emotional support.
- For non-observable disabilities and animals that provide therapeutic emotional support, a housing provider may ask for information that is consistent with that identified in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing (*see Questions 6 and 7) in order to conduct an individualized assessment of whether it must provide the accommodation under the Fair Housing Act. The lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation.

Part IV: Type of Animal

8. Is the animal commonly kept in households?

- If “yes,” the reasonable accommodation should be provided under the FHA unless the general exceptions described below exist.³⁷
- If “no,” a reasonable accommodation need not be provided, but note the very rare circumstances described below.

Animals commonly kept in households. If the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal.³⁸ For purposes of this assessment, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

Unique animals. If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal, which includes information of the type set out in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing. While this guidance

³⁷ See, *e.g.*, *Majors v. Hous. Auth. of the Cnty. of DeKalb Georgia*, 652 F.2d 454, 457 (5th Cir. 1981) (enforcing a “no pets” rule against an individual with a disability who needs an animal as a reasonable accommodation effectively deprives the individual of the benefits of the housing).

³⁸ See 24 C.F.R. § 100.204(a).

does not establish any type of new documentary threshold, the lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation. If the housing provider enforces a “no pets” policy or a policy prohibiting the type of animal the individual seeks to have, the housing provider may take reasonable steps to enforce the policy if the requester obtains the animal before submitting reliable documentation from a health care provider that reasonably supports the requestor’s disability-related need for the animal. As a best practice, the housing provider should make a determination promptly, generally within 10 days of receiving documentation.³⁹

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances ...

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
 - Allergies prevent the person from using a dog; or
 - Without the animal, the symptoms or effects of the person’s disability will be significantly increased.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

Example: A Unique Type of Support Animal

An individually trained capuchin monkey performs tasks for a person with paralysis caused by a spinal cord injury. The monkey has been trained to retrieve a bottle of water from the refrigerator, unscrew the cap, insert a straw, and place the bottle in a holder so the individual can get a drink of water. The monkey is also trained to switch lights on and off and retrieve requested items from inside cabinets. The individual has a disability-related need for this specific type of animal because the monkey can use its hands to perform manual tasks that a service dog cannot perform.

Part V: General Considerations

- The FHA does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.⁴⁰ A housing provider may, therefore, refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions the individual takes to maintain or control the animal (e.g., keeping the

³⁹ See Joint Statement, Q and A 15 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

⁴⁰ See 24 C.F.R. § 100.202(d).

animal in a secure enclosure).⁴¹

- A reasonable accommodation may include a reasonable accommodation to a land use and zoning law, Homeowners Association (HOA) rule, or co-op rule.⁴²
- A housing provider may not charge a fee for processing a reasonable accommodation request.⁴³
- Pet rules do not apply to service animals and support animals. Thus, housing providers may not limit the breed or size of a dog used as a service animal or support animal just because of the size or breed⁴⁴ but can, as noted, limit based on specific issues with the animal's conduct because it poses a direct threat or a fundamental alteration.⁴⁵
- A housing provider may not charge a deposit, fee, or surcharge for an assistance animal. A housing provider, however, may charge a tenant for damage an assistance animal causes if it is the provider's usual practice to charge for damage caused by tenants (or deduct it from the standard security deposits imposed on all tenants).
- A person with a disability is responsible for feeding, maintaining, providing veterinary care, and controlling his or her assistance animal. The individual may do this on his or her own or with the assistance of family, friends, volunteers, or service providers.
- Individuals with disabilities and housing providers may reference the best practices provided in this guidance in making and responding to reasonable accommodation requests within the scope of this guidance for as long as it remains in effect. HUD strongly encourages individuals with disabilities and housing providers to give careful attention to this guidance when making reasonable accommodation requests and decisions relating to animals.
- Failure to adhere to this guidance does not necessarily constitute a violation by housing providers of the FHA or regulations promulgated thereunder.⁴⁶
- Before denying a reasonable accommodation request due to lack of information confirming an individual's disability or disability-related need for an animal, the housing provider is encouraged to engage in a good-faith dialogue with the requestor called the "interactive process."⁴⁷ The housing provider may not insist on specific types of evidence if the information which is provided or actually known to the housing provider meets the requirements of this guidance (except as provided above). Disclosure of details about the diagnosis or severity of a disability or medical records or a medical examination cannot be required.

⁴¹ See Joint Statement Q and A 4 (May 17, 2004), at

<https://www.hud.gov/sites/documents/huddojstatement.pdf>.

⁴² See *Warren v. Delvista Towers Condo. Ass'n*, 49 F. Supp. 3d 1082 (S.D. Fla. 2014).

⁴³ See Joint Statement, Q and A 11 (May 17, 2004), at

<https://www.hud.gov/sites/documents/huddojstatement.pdf>; *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011).

⁴⁴ See, e.g., *Bhogaita v. Altamonte Heights Condo. Ass'n*, 765 F.3d 1277 (11th Cir. 2014) (reasonable accommodation to a housing provider's rule that all dogs must be under 25 pounds).

⁴⁵ See 24 C.F.R. § 100.202(d); Joint Statement, Q and A's 5 & 7 (May 17, 2004), at

<https://www.hud.gov/sites/documents/huddojstatement.pdf>.

⁴⁶ See "Treatment as a Guidance Document" on p.5 for a citation of authorities on permissible use of guidance.

⁴⁷ See Joint Statement, Q and A 7 (May 17, 2004), at

<https://www.hud.gov/sites/documents/huddojstatement.pdf>.

If a reasonable accommodation request, provided under the framework of this guidance, is denied because it would impose a fundamental alteration to the nature of the provider's operations or impose an undue financial and administrative burden, the housing provider should engage in the interactive process to discuss whether an alternative accommodation may be effective in meeting the individual's disability-related needs.⁴⁸

⁴⁸ For guidance on what constitutes a fundamental alteration or an undue financial and administrative burden, refer to the HUD/DOJ Joint Statement on Reasonable Accommodation under the Fair Housing Act, available at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

Guidance on Documenting an Individual's Need for Assistance Animals in Housing

This section provides best practices for documenting an individual's need for assistance animals in housing. It offers a summary of information that a housing provider may need to know from a health care professional about an individual's need for an assistance animal in housing. It is intended to help individuals with disabilities explain to their health care professionals the type of information that housing providers may need to help them make sometimes difficult legal decisions under fair housing laws. It also will help an individual with a disability and their health care provider understand what information may be needed to support an accommodation request when the disability or disability-related need for an accommodation is not readily observable or known by the housing provider. Housing providers may not require a health care professional to use a specific form (including this document), to provide notarized statements, to make statements under penalty of perjury, or to provide an individual's diagnosis or other detailed information about a person's physical or mental impairments.⁴⁹ Housing providers and the U.S. Department of Housing and Urban Development rely on professionals to provide accurate information to the best of their personal knowledge, consistent with their professional obligations. This document only provides assistance on the type of information that may be needed under the Fair Housing Act (FHA). The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Further, this document does not create any obligation to provide health-care information and does not authorize or solicit the collection of any information not otherwise permitted by the FHA.⁵⁰

The Appendix to this Guide answers some commonly asked questions about terms and issues below. An understanding of the terms and issues is helpful to providing this information.

When providing this information, health care professionals should use personal knowledge of their patient/client – *i.e.*, the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient/client. **Information relating to an individual's disability and health conditions must be kept confidential and cannot be shared with other**

⁴⁹ See Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act ("Joint Statement"), Q and A's 13, 16-18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

⁵⁰ This guidance does not expand on the obligations under the FHA or HUD's regulations and should be construed consistently with Executive Order 13891 of October 9, 2019 entitled "Promoting the Rule of Law Through Improved Agency Guidance Documents," Executive Order 13892 of October 9, 2019 entitled "Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," the Department of Justice Memorandum of January 25, 2018 entitled "Limiting Use of Agency Guidance Documents in Affirmative Civil Enforcement Cases," and the Department of Justice Memorandum of November 16, 2017 entitled "Prohibition on Improper Guidance Documents."

persons unless the information is needed for evaluating whether to grant or deny a reasonable accommodation request or unless disclosure is required by law.⁵¹

As a best practice, documentation contemplated in certain circumstances by the Assistance Animals Guidance is recommended to include the following general information:

- The patient's name,
- Whether the health care professional has a professional relationship with that patient/client involving the provision of health care or disability-related services, and
- The type of animal(s) for which the reasonable accommodation is sought (i.e., dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, other specified type of domesticated animal, or other specified unique animal).⁵²

Disability-related information. A disability for purposes of fair housing laws exists when a person has a physical or mental impairment that substantially limits one or more major life activities.⁵³ Addiction caused by current, illegal use of a controlled substance does not qualify as a disability.⁵⁴ As a best practice, it is recommended that individuals seeking reasonable accommodations for support animals ask health care professionals to provide information related to the following:

- Whether the patient has a physical or mental impairment,
- Whether the patient's impairment(s) substantially limit at least one major life activity or major bodily function, and
- Whether the patient needs the animal(s) (because it does work, provides assistance, or performs at least one task that benefits the patient because of his or her disability, or because it provides therapeutic emotional support to alleviate a symptom or effect of the disability of the patient/client, and not merely as a pet).

Additionally, if the animal is not a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, it may be helpful for patients to ask health care professionals to provide the following additional information:

- The date of the last consultation with the patient,
- Any unique circumstances justifying the patient's need for the particular animal (if already owned or identified by the individual) or particular type of animal(s), and
- Whether the health care professional has reliable information about this specific animal or

⁵¹ See Joint Statement, Q and A 18 (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

⁵² See, e.g., *Janush v. Charities Housing Development Corporation*, 169 F.Supp.2d 1133, 1136-37 (N.D. Cal. 2000) (rejecting an argument that a definition of "service dog" should be read into the Fair Housing Act to create a rule that accommodation of animals other than service dogs is per se unreasonable, finding that "the law imposes on defendants the obligation to consider each request individually and to grant requests that are reasonable.").

⁵³ 24 C.F.R. § 100.201.

⁵⁴ 24 C.F.R. § 100.201.

whether they specifically recommended this type of animal.

It is also recommended that the health care professional sign and date any documentation provided and provide contact information and any professional licensing information.

Appendix

What are assistance animals?

Assistance animals do work, perform tasks, provide assistance, or provide emotional support for a person with a physical or mental impairment that substantially limits at least one major life activity or bodily function.⁵⁵

What are physical or mental impairments?

Physical or mental impairments include: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or

Diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.⁵⁶

What are major life activities or major bodily functions?

They are: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, and working.⁵⁷

Other impairments – based on specific facts in individual cases -- may also substantially limit at least one major life activity or bodily function.⁵⁸

What are Some Examples of Work, Tasks, Assistance, and Emotional Support?

⁵⁵ See 24 C.F.R. §§ 5.303; 960.705.

⁵⁶ See 24 C.F.R. § 100.201.

⁵⁷ See 24 C.F.R. § 100.201(b).

⁵⁸ See 24 C.F.R. § 100.201.

Some examples of work and tasks that are commonly performed by service dogs include⁵⁹:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Providing non-violent protection or rescue work,
- Pulling a wheelchair,
- Alerting a person with epilepsy to an upcoming seizure and assisting the individual during the seizure,
- Alerting individuals to the presence of allergens,
- Retrieving the telephone or summoning emergency assistance, or
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

Some other examples of work, tasks or other types of assistance provided by animals include:⁶⁰

- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors,
- Reminding a person with mental illness to take prescribed medication,
- Alerting a person with diabetes when blood sugar is high or low,
- Taking an action to calm a person with post-traumatic stress disorder (PTSD) during an anxiety attack,
- Assisting the person in dealing with disability-related stress or pain,
- Assisting a person with mental illness to leave the isolation of home or to interact with others,
- Enabling a person to deal with the symptoms or effects of major depression by providing a reason to live, or
- Providing emotional support that alleviates at least one identified symptom or effect of a physical or mental impairment.

What are examples of a patient's need for a unique animal or unique circumstances?⁶¹

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:
 - Allergies prevent the person from using a dog, or
 - Without the animal, the symptoms or effects of the person's disability will be significantly increased.
- The individual seeks a reasonable accommodation to a land use and zoning law, Homeowners Association (HOA) rule, or condominium or co-op rule.
- The individual seeks to keep the animal outdoors at a house with a fenced yard where the animal can be appropriately maintained.

⁵⁹ See 28 C.F.R. §§ 35.136(f); 36.302(c)(6).

⁶⁰ See, e.g., *Majors v. Housing Authority of the County of DeKalb Georgia*, 652 F.2d 454, 457 (5th Cir. 1981); *Janush*, 169 F.Supp.2d at 1136-37.

⁶¹ See, e.g., *Anderson v. City of Blue Ash*, 798 F.3d 338, 360-63 (6th Cir. 2015) (seeking a reasonable accommodation to keep a miniature horse as an assistance animal).

Exhibit F



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FHIP Education and Outreach Initiative (EOI) - Tester Training

The Fair Housing Initiatives Program is a significant source of funding for FHIP grantees that conduct fair housing testing in local communities across the country. Fair housing testing refers to the use of testers who, without any bona fide intent to rent or purchase property, obtain a mortgage, seek housing assistance, or engage in other housing related activities, pose as prospective renters, or buyers of real estate, or other applicable roles for the purpose of determining whether housing providers and others are complying with the federal Fair Housing Act.

The Department continues to be vigilant about ensuring that testing performed by testers with FHIP funds adhere to HUD's investigatory standards so that the testing yields credible, objective and admissible evidence to aid in the enforcement of the federal Fair Housing Act. The Department acknowledges that great variation exists in the quality of fair housing testing performed by FHIP grantees. Some grantees have consistently demonstrated that testing produces strong evidence that can be used to forge effective legal challenges to discriminatory housing practices. Still some grantees exhibit lesser capabilities and uneven or less accomplished track records. HUD recognizes the need to continually improve and standardize the quality of testing provided by testers employed by FHIP grantees.

Preference Points HUD encourages activities in Promise Zones, Opportunity Zones (OZ), or activities in collaboration with HBCUs. HUD may award two (2) points for qualified activities supporting either initiative. In no case will HUD award more than two preference points for these activities.

Funding of up to \$250,000 is available through this NOFA. HUD expects to make approximately 1 awards from the funds available under this NOFA.

Funding Opportunity Number: FR-6400-N-71

Opportunity Title: Education and Outreach – Tester Training NOFO

Competition ID: FR-6400-N-71

CFDA No: 14. 416

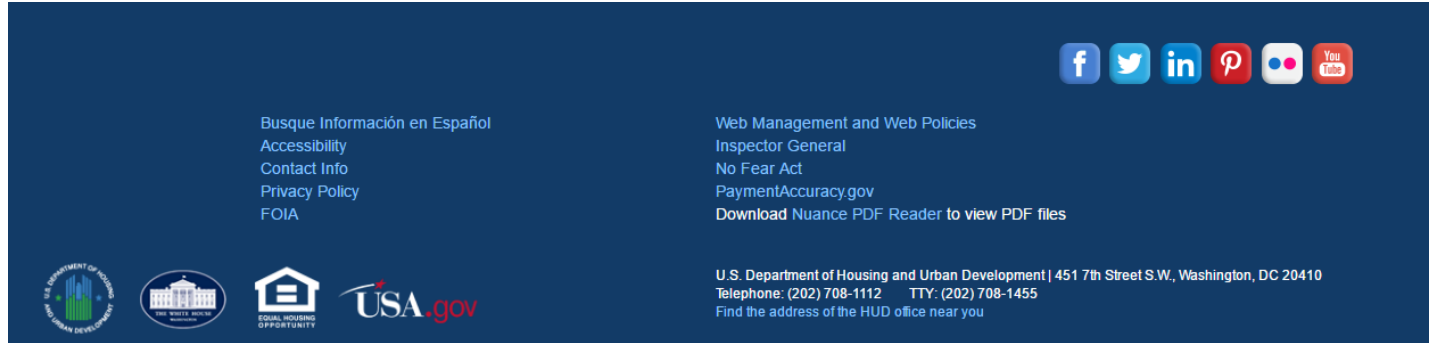
OMB Approval Number: 2529-0033

Opening Date: July 16, 2020

Application Due Date: August 17, 2020

Case 6:21-cv-03089-RK Document 1-7 Filed 04/15/21 Page 2 of 3

Agency Contact: Questions regarding specific program requirements for this NOFO should be directed to Myron.P.Newry@hud.gov. Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications



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Exhibit G



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CONTACT FHIP ORGANIZATIONS

Contact information for grantees of the Fair Housing Initiatives Program (FHIP)

Organizations that participate in HUD's Fair Housing Initiatives Program (FHIP) may be able to speak to a housing provider on your behalf, conduct an investigation, including testing, to help determine if you experienced discrimination, or otherwise provide you with information and assistance.

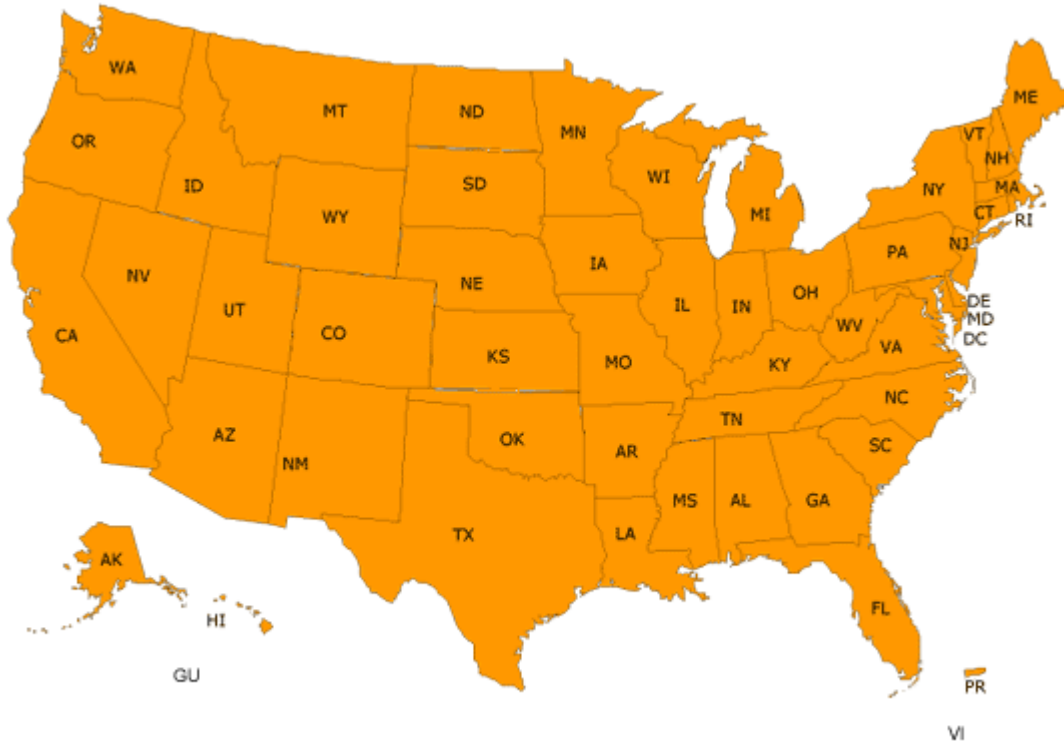
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- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District Of Columbia
- Florida
- Georgia
- Hawaii

Show all

Name	Address	City	State	Zip Code	Phone	FHIP Initiative
Metropolitan St. Louis Equal Housing and Opportunity Council	1027 S. Vandeventer Avenue	St. Louis	MO	63110	(314) 534-5800 Ext. 7018	Education and Outreach Initiative (EOI); Private Enforcement Initiative (PEI)

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Exhibit H



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FAIR HOUSING ASSISTANCE PROGRAM (FHAP) AGENCIES

The following is a list of agencies participating in the Fair Housing Assistance Program (FHAP). A person who believes he or she experienced housing discrimination may contact HUD for assistance. A person may also contact the FHAP agency in the state or locality where the alleged discrimination occurred for help.

	Indiana	Nebraska	Texas
Arizona	Iowa	New Jersey	Utah
Arkansas	Kansas	New York	Vermont
California	Kentucky	North Carolina	Virginia
Colorado	Louisiana	North Dakota	Washington
Connecticut	Maine	Ohio	West Virginia
Delaware	Massachusetts	Georgia	
D.C.	Maryland	Pennsylvania	
Florida	Michigan	Rhode Island	
Hawaii	Minnesota	South Carolina	
Illinois		Tennessee	

ARIZONA	State Agency:	Civil Rights and Conflict Resolution Section Arizona Attorney General's Office 1275 West Washington Street Phoenix, AZ 85007-2926 (602) 542-5263	
	Localities:	City of Phoenix Equal Opportunity Department 251 West Washington St., 7th Floor Phoenix, AZ 85003-2201 (602) 262-7716	
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ARKANSAS	State Agency:	Arkansas Fair Housing Commission 101 E. Capitol, Suite 114 Little Rock, AR 72201-3821 (501) 682-3247
		Back to top
CALIFORNIA	State Agency:	California Department of Fair Employment and Housing 2218 Kausen Drive Suite 100 Elk Grove, CA 95758 (916) 478-7251
		Back to top
COLORADO	State Agency:	Colorado Civil Rights Division 1560 Broadway, Suite 1050 Denver, CO 80202-5150 (303) 894-2997
		Back to top
CONNECTICUT	State Agency:	Connecticut Commission on Human Rights and Opportunities 21 Grand Street Hartford, CT 06106-1561 (860) 541-3400
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DELAWARE	State Agency:	Delaware Division of Human Relations State Office Building 820 North French Street, 4th Floor Wilmington, DE 19801-3509 (302) 577-5050
		Back to top
DISTRICT OF COLUMBIA		District of Columbia Office of Human Rights 441 4th Street, NW, Suite 570 Washington, DC 20001-2714 (202) 727-4559
		Back to top
FLORIDA	State Agency:	Florida Commission on Human Relations 4075 Esplanade Way
	Localities:	Broward County Office of Equal Opportunity 115 S. Andrews Avenue, Room 427 Fort Lauderdale, FL 33301-1801 (954) 357-7800

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		<p>City of Orlando Office of Human Relations 400 S. Orange Ave, City Hall, 2nd Floor Orlando, FL 32801-3302 (407) 246-2122</p>
		<p>Jacksonville Human Rights Commission 117 West Duval Street, Suite 350 Jacksonville, FL 32202-5720 (904) 630-4911</p>
		<p>Palm Beach County Office of Equal Opportunity 215 North Olive Avenue, Suite 130 West Palm Beach, FL 33401-4713 (561) 355-4883</p>
		<p>Pinellas County Office of Human Rights 400 South Fort Harrison Avenue, 5th Floor Clearwater, FL 33756-5165 (727) 464-4880</p>
		<p>City of Tampa Office of Community Relations 102 East 7th Avenue Tampa, FL 33602-2226 (813) 274-5835</p>
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GEORGIA	State Agency:	<p>Georgia Commission on Equal Opportunity 205 Jesse Hill Jr. Dr. SE 14th Floor – 1470B East Tower Atlanta, GA 30334 Toll Free: (800) 473-6736 Phone: (404) 656-1736</p>
		Back to top
HAWAII	State Agency:	<p>Hawaii Civil Rights Commission 830 Punchbowl Street, Room 411 Honolulu, HI 96813-5095 (808) 586-8636</p>
		Back to top
ILLINOIS	State Agency:	<p>Illinois Department of Human Rights 100 W. Randolph St., Suite 10-100 Chicago, IL 60601-3391 (312) 814-3340</p>
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INDIANA	State Agency:	Indiana Civil Rights Commission Indiana Government Center North 100 North Senate Avenue, Room N-103 Indianapolis, IN 46204-2255 (317) 232-2600
	Localities:	Elkhart Human Relations Commission Municipal Building 201 South Second Street Elkhart, IN 46516-3112 (574) 294-5471
		Fort Wayne Metropolitan Human Relations Commission One Main Street City-County Building, Room 680 Fort Wayne, IN 46802-1803 (260) 427-1146
		Gary Human Relations Commission 839 Broadway, Suite 107 Gary, IN 46402-2414 (219) 883-4151
		Hammond Human Relations Commission 5925 Calumet Avenue, Room 115 Hammond, IN 46320-2554 (219) 853-6502
		South Bend Human Relations Commission 301 South St. Louis Blvd. South Bend, IN 46617-3011 (574) 235-9355
		City of Evansville-Vanderburgh County Human Relations Commission 209 Civic Center Complex One NW Martin Luther King, Jr. Blvd. Evansville, Indiana 47708 (812) 436-4927- voice (812) 436-4928- TDD
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IOWA	State Agency:	Iowa Civil Rights Commission Grimes State Office Building 400 East 14th Street Des Moines, IA 50819-9000 (515) 281-4121
	Localities:	Cedar Rapids Civil Rights Enforcement Agency 425 Second Street SE, Suite 960 Cedar Rapids, IA 52401 (319) 286-5036

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		Davenport Civil Rights Commission 226 West 4th Street Davenport, IA 52801-1308 (563) 326-7888
		Des Moines Human Rights Commission 602 Robert D. Ray Drive Des Moines, IA 50309-1881 (515) 283-4284
		Sioux City Human Rights Commission 405 6th Street, Room 410 Sioux City, IA 51101-1211 (712) 279-6985
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KANSAS	Localities:	Lawrence Human Relations Commission and Human Relations/Resources Dept. 947 New Hampshire, SUite 200A Lawrence, KS 66044-3076 (785) 832-3310
		Salina Human Relations Department 300 West Ash Salina, KS 67402-0736 (785) 309-5745
		Back to top
KENTUCKY	State Agency:	Kentucky Commission on Human Rights The Heyburn Bulding, 7th Floor 332 West Broadway Louisville, KY 40202-0069 (502) 595-4024
	Localities:	Lexington-Fayette Urban County Human Rights Commission 342 Waller Avenue Suite 1A, Lexington, KY 40504 (859) 252-4931
		Louisville Metro Human Relations Commission 745 W. Main Street Suite 251 Louisville, KY 40202-2323 (502) 574-3631
		Back to top
LOUISIANA	State Agency:	Public Protection Division, Louisiana Department of Justice 1885 North 3rd Street Baton Rouge, LA 70801-1916 (225) 326-6400

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MAINE	State Agency:	Maine Human Rights Commission 51 State House Station Augusta, ME 04333-0051 (207) 624-6050	
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MARYLAND	State Agency:	Maryland Commission on Civil Rights 6 St. Paul Street, Suite 900 Baltimore, MD 21202-1627 (410) 767-8600	
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MASSACHUSETTS	State Agency:	Massachusetts Commission Against Discrimination Room 601 1 Ashburton Place, 6th Floor Boston, MA 02108-1518 (617) 994-6000	
	Localities:	Boston Fair Housing Commission City of Boston Office of Civil Rights One City Hall Plaza, Suite 966 Boston, MA 02201-1001 (617) 635-4408	
		Cambridge Human Rights Commission 51 Inman Street, 2nd Floor Cambridge, MA 02139-1732 (617) 349-4396	
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MICHIGAN	State Agency:	Michigan Department of Civil Rights Capital Town Building 110 W. Michigan Avenue, Suite 800 Lansing, MI 48913-1668 (517) 335-3165	
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MINNESOTA	Localities:		
		City of St. Paul Department of Human Rights and Equal Economic Opportunity Commission 15 W. Kellogg Blvd., City Hall 240 Saint Paul, MN 55102 (651) 266-8966	
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NEBRASKA	State Agency:	Nebraska Equal Opportunity Commission State Office Building 5th Floor 301 Centennial Mall, South Lincoln, NE 68509-4934 (402) 471-2024	
	Localities:	Lincoln Commission on Human Rights 440 South 8th Street, Suite 101 Lincoln, NE 68508-2294 (402) 441-8691	
		Omaha Human Relations Department Omaha/Douglas Civic Center 1819 Farnam Street, Suite 502 Omaha, NE 68183-0502 (402) 444-5055	
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NEW JERSEY	State Agency:	State of New Jersey Division on Civil Rights 140 East Front Street P.O. Box 089 Trenton, NJ 08625-0089 (609) 984-3100	
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NEW YORK	State Agency:	New York State Division of Human Rights 1 Fordham Plaza 4th Floor Bronx, NY 10458-5885 (718) 741-8326	
	Localities:		
		Westchester County Human Rights Commission 112 East Post Road, 3rd Floor White Plains, New York 10601 (914) 995-7710 Fax No.: (914) 995-7720	
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NORTH CAROLINA	State Agency:	North Carolina Human Relations Commission 1711 New Hope Church Rd Raleigh, NC 27609 (919) 431-1919
	Localities:	City of Charlotte/Mecklenburg County Community Relations Committee 700 Parkwood Avenue Charlotte, NC 28202-2928 (704) 336-2424
		Durham Human Relations Commission 101 City Hall Plaza(Mailing), 807 E. Main St. (Physical) Durham, NC 27701-3329 (919) 560-4107
		Greensboro Human Relations Department 300 West Washington Street Greensboro, NC 27901-2624 (336) 373-2038
		Orange County Human Relations Commission 100 Corporate Drive, Ste. 400, P.O. Box 8181 Hillsborough, NC 27278 (919) 245-2487
		Winston-Salem Human Relations Commission City Hall, Suite 109 101 N. Main Street Winston-Salem, NC 27101-4033 (336) 727-1225
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NORTH DAKOTA	State Agency:	North Dakota Department of Labor State Capitol - 13th Floor 600 E Boulevard Avenue, Department 406 Bismarck, ND 58505-0340 (701) 328-2660
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OHIO	State Agency:	Ohio Civil Rights Commission 30 East Broad Street, 5th Floor Columbus, OH 43215-3414 (614) 466-2785
	Localities:	City of Canton Fair Housing Commission 218 Cleveland Avenue SW Canton, OH 44702 (330) 438-4133

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		Dayton Human Relations Council 371 West 2nd Street, Suite 100 Dayton, OH 45402-1501 (937) 228-5854
		Shaker Heights Fair Housing Review Board 3400 Lee Road Shaker Heights, OH 44120-3408 (216) 491-1443
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PENNSYLVANIA	State Agency:	Pennsylvania Human Relations Commission 333 Market Street, 8th Floor Harrisburg, PA 17101-2210 (717) 787-4410
		Pittsburgh Human Relations Commission 908 City - County Building Pittsburgh, PA 15219-2464 (412) 255-2600
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RHODE ISLAND	State Agency:	Rhode Island Commission for Human Rights 180 Westminster Street, 3rd Floor Providence, RI 02903-3768 (401) 222-2661
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SOUTH CAROLINA	State Agency:	South Carolina Human Affairs Commission 1026 Sumter Street, Suite 101 Columbia, SC 29201 (803) 737-7800
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TENNESSEE	State Agency:	Tennessee Human Rights Commission 312 Rosa L. Parks Avenue 23 rd Floor Nashville, TN 37243-1102 (615) 741-5825
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TEXAS	State Agency:	Texas Workforce Commission 117 Trinity Street, Suite 144T Austin, Texas 78723-1072 (512) 463-2642

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	Localities:	City of Austin Equal Employment and Fair Housing Office 1050 East 11th Street, Suite 300 Austin, TX 78702-1941 (512) 974-3262
		City of Corpus Christi Department of Human Relations 1201 Leopard Street Corpus Christi, TX 78401-2120 (361) 880-3196
		City of Dallas Fair Housing Office 1500 Marilla Street, Room 1B North Dallas, TX 75201-6318 (214) 670-5677
		Fort Worth Human Relations Commission 1000 Throckmorton Street Fort Worth, TX 76102-6312 (817) 392-7525
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UTAH	State Agency:	Utah Anti-Discrimination Division 160 East 300 South, 3rd Floor Salt Lake City, UT 84111-2305 (801) 530-6801
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VERMONT	State Agency:	Vermont Human Rights Commission 135 State Street, Drawer 33, Montpelier, VT 05633-6301 (802) 828-2480
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VIRGINIA	State Agency:	Virginia Department of Professional and Occupational Regulation Fair Housing Administration/Fair Housing Office 3600 West Broad Street Richmond, VA 23230-4917 (804) 367-8530
	Localities:	Fairfax County Human Rights Commission 12000 Government Center Parkway, Suite 318 Fairfax, VA 22035-0093 (703) 324-2953
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WASHINGTON	State Agency:	Washington State Human Rights Commission 711 South Capitol Way, #402, P.O. Box 42490 Olympia, WA 98504-2490 (360) 753-6770
	Localities:	
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WEST VIRGINIA	State Agency:	West Virginia Human Rights Commission 1321 Plaza East, Room 108A Charleston, WV 25301-1400 (304) 558-2616

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FAIR HOUSING ASSISTANCE PROGRAM (FHAP)

Through the Fair Housing Assistance Program (FHAP), HUD funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act. View a list of currently certified Substantially Equivalent Agencies.

Program Purpose

Substantial Equivalence Certification

Responsibilities of FHAP Recipients

Funding Availability

Complaint Processing Under a Substantially Equivalent Law

Program Purpose

The Fair Housing Act contemplates that, across the country, state and local governments will enact and enforce their own statutes and ordinances that are substantially equivalent to the Fair Housing Act. HUD provides FHAP funding annually on a noncompetitive basis to state and local agencies that administer fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act.

Substantial Equivalence Certification

A state or local agency may be certified as substantially equivalent after it applies for certification and HUD determines that the agency administers a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. Typically, once certified, HUD will refer complaints of housing discrimination that it receives to the state or local agency for investigation.

There are two phases in determining whether an agency is substantially equivalent. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the state or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. If

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so, HUD offers the agency interim certification for up to three years. During the three years of interim certification, the agency builds its capacity to operate as a fully certified substantially equivalent agency.

In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the state or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the Fair Housing Act.

To obtain certification, a state or local agency must have a law that, at a minimum, prohibits discrimination against the same protected classes as the Fair Housing Act (race, color, national origin, religion, sex, disability and familial status). A substantially equivalent agency's law may include additional protected classes.

An affirmative conclusion that the state or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years.

During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.

Substantial equivalence certification presents numerous advantages to state and local governments, parties to housing discrimination complaints, and the general public. These advantages include funding and local complaint processing under a substantially equivalent law.

Responsibilities of FHAP Recipients

FHAP is an intergovernmental enforcement partnership between HUD and the state or local agencies. As in any partnership, both parties must contribute to the success of the program.

While HUD provides significant resources to Substantially Equivalent Agencies in the form of training, technical assistance and funding, the agencies must demonstrate a commitment to thorough and professional complaint processing. This includes all phases of complaint processing, from accurate identification of issues at intake, through complete and sound investigations, to following through on administrative or judicial enforcement to ensure that victims of unlawful housing discrimination obtain full remedies and the public interest is served. The agencies should also work to develop relationships with public, private, and non-profit organizations in a grass roots approach to making fair and open housing a reality.

Of equal importance, the political jurisdictions in which the agencies operate must understand their own commitment and must support the existence and the work of the Substantially Equivalent Agencies. Funding provided by HUD is not intended to cover 100 percent of the costs of the agencies' operations, so local resources must be provided by the jurisdiction to their respective agencies. Resources from the jurisdiction should include both funding and the legal resources necessary to pursue administrative and/or judicial enforcement.

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State or local agencies interested in participating in the FHAP should also consult the specific requirements enumerated in 24 C.F.R. part 115.

Funding Availability


Through FHAP, HUD reimburses both interim and certified substantially equivalent state and local agencies in their fair housing enforcement efforts, consistent with congressional appropriations.

Complaint Processing Under a Substantially Equivalent Law

Generally, when HUD receives a complaint and the complaint alleges violations of a state or local fair housing law administered by an interim certified or certified agency, it will refer the complaint to the state or local agency for investigation, conciliation and enforcement activities. Having fair housing professionals based in the locality (or the same state, district, possession or territory) where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and trends. In addition, the agencies' closer proximity to the site of the alleged discrimination may lead to greater efficiency in case processing.

While certification results in a shift in fair housing enforcement power from the federal government to the state or locality, the substantive and procedural strength of the Fair Housing Act is not compromised. The FHAP is a partnership between the federal government and state and local agencies to provide protection to the public against discrimination in housing.

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Exhibit J

HUD Exchange Grantee Awards

Date of Export 04/08/21

Year	State	CoC Name	Org Name	Program Name	Program Type	Award Amount
2020	MO		Missouri	CDBG		23292211
2020	MO		Missouri	CDBG	CV1	13684820
2020	MO		Missouri	CDBG	CV2	17956792
2020	MO		Missouri	CDBG	CV3	11391811
2020	MO		Missouri	ESG	CV2	18747277
2020	MO		Missouri	ESG		2779440
2020	MO		Missouri	ESG	CV1	9584276
2020	MO		Missouri	HOME		12318493
2020	MO		Missouri	HOPWA	Formula	893163
2020	MO		Missouri	HOPWA	Formula - CV	129981
2020	MO		Missouri	HTF		4668023
2019	MO		Missouri	CDBG		22605246
2019	MO		Missouri	ESG		2671207
2019	MO		Missouri	HOME		11527796
2019	MO		Missouri	HOPWA	Formula	792945
2019	MO		Missouri	HTF		3647539
2018	MO		Missouri	CDBG		22537848
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZA - Shelter Plus Care STL County Chronic - 14	123676
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZE - Shelter Plus Care STL County Families - 23	248142
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZF - Shelter Plus Care STL County Chronic - 15	132536
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZL - Shelter Plus Care STL County Families	97495
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZN - Shelter Plus Care STL County Veterans	106150
2018	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2018 SZQ - Shelter Plus Care STL County	301731
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 SCS - Shelter Plus Care STL City QoP SRA	767126
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 St. Louis Legacy Shelter Plus Care Program Consolidated	1889433
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 SCY - Shelter Plus Care STL City SPC	428750
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 SZP - Shelter Plus Care Places at Page SRA	85107
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 St. Louis Legacy SPC for Chronically Homeless Consolidated	939149
2018	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2018 SZS - Shelter Plus Care STL City - The BEACH Project	521807
2018	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - 2018 SCG - Shelter Plus Care Springfield	163889
2018	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 - REN - 2018 SCN - Shelter Plus Care Joplin	239249
2018	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 - REN - 2018 SCJ - Shelter Plus Care St Joseph	274658
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SZD - Shelter Plus Care KC Chronic - 25	226396
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SCI - Shelter Plus Care Independence	283991
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SCE - Shelter Plus Care KC - 100	1095865
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SCK - Shelter Plus Care KC - 162	1832955
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SCV - Consolidated Shelter Plus Care KC and Independence	944757
2018	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2018 SCZ - Shelter Plus Care KC - Chronic 35	318040
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 Shelter Plus Care SEMO (Consolidated)	297722
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 SCT - Shelter Plus Care Branson Area	152386
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 Shelter Plus Care NEMO Consolidated	290372
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 SCP - Shelter Plus Care Poplar Bluff	176732
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 SCW - Shelter Plus Care West Plains Area	128904
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 SZH - Shelter Plus Care Jefferson Franklin	173725
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 Shelter Plus Care Western MO (Consolidated)	336478
2018	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2018 SZR - Kirksville Shelter Plus Care SRA	74101
2018	MO		Missouri	ESG		2554390
2018	MO		Missouri	HOME		12514589
2018	MO		Missouri	HOPWA	Formula	701900
2018	MO		Missouri	HTF		3970270

2018	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 - PLN - MO-606 CoC Planning Application FY2018	168530
2017	MO		Missouri	CDBG		20328096
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZQ - Shelter Plus Care STL County	301467
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZN - Shelter Plus Care STL County Veterans	105862
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZA - Shelter Plus Care STL County Chronic - 14	123340
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZF - Shelter Plus Care STL County Chronic - 15	132176
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZE - Shelter Plus Care STL County Families - 23	247938
2017	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2017 SZL - Shelter Plus Care STL County Families	97399
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SZS - Shelter Plus Care STL City - The BEACH Project	520967
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SCS - Shelter Plus Care STL City QoP SRA	766646
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SZP - Shelter Plus Care Places at Page SRA	84987
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SCL - Shelter Plus Care STL City - QoP TRA	1690967
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SZB - Shelter Plus Care STL City - Chronic 41	359001
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SCQ - Shelter Plus Care STL City Chronic	577676
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SZC - Shelter Plus Care STL City Families	197086
2017	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2017 SCY - Shelter Plus Care STL City SPC	428366
2017	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - 2017 SCG - Shelter Plus Care Springfield	152837
2017	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 - REN - 2017 SCN - Shelter Plus Care Joplin	218849
2017	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 - REN - 2017 SCJ - Shelter Plus Care St Joseph	262682
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCE - Shelter Plus Care KC - 100	1186513
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCV - Consolidated Shelter Plus Care KC and Independence	1023357
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SZG - Shelter Plus Care KC	174453
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCK - Shelter Plus Care KC - 162	1985283
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCI - Shelter Plus Care Independence	307523
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SZD - Consolidated KC Chronic - 25	244096
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCZ - Shelter Plus Care KC - Chronic 35	342820
2017	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2017 SCX - Shelter Plus Care KC - Chronic 21	203882
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCA - Shelter Plus Care Kirksville Area	112329
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCH - Shelter Plus Care Hannibal Area	180323
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCP - Shelter Plus Care Poplar Bluff	175976
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZR - Kirksville Shelter Plus Care SRA	73669
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZH - Shelter Plus Care Jefferson Franklin	173641
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCB - Shelter Plus Care Bootheel Area	135217
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCT - Shelter Plus Care Branson Area	155266
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZK - Shelter Plus Care Nevada	60625
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZI - Shelter Plus Care Outer KC Metro	133057
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCW - Shelter Plus Care West Plains Area	128196
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZM - Shelter Plus Care Central MO	83287
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SZO - Shelter Plus Care West Central MO	67525
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2017 SCF - Shelter Plus Care Farmington Area	158437
2017	MO		Missouri	ESG	Regular	2579470
2017	MO		Missouri	ESG	Extra	351056
2017	MO		Missouri	HOME		8580593
2017	MO		Missouri	HOPWA	Formula	619625

2017	MO		Missouri	HTF		3357775
2017	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 - PLN - MO-606 CoC Planning Application FY 2017	159712
2016	MO		Missouri	CDBG		20789141
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZL - Shelter Plus Care STL County Families	93783
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZN - Shelter Plus Care STL County Veterans	99382
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZA - Shelter Plus Care STL County Chronic -14	115780
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZF - Shelter Plus Care STL County Chronic -15	124076
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZE - Shelter Plus Care STL County Families - 23	232974
2016	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2016 SZQ - Shelter Plus Care STL County	283263
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SZC - Shelter Plus Care STL City - Families QoP	185074
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SZB - Shelter Plus Care STL City - Chronic 43	336789
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SCY - Shelter Plus Care STL City SPC	401930
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SZS - Shelter Plus Care STL City - The BEACH Project	489191
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SCQ - Shelter Plus Care STL City Chronic	541820
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SCS - Shelter Plus Care STL City QoP SRA	717578
2016	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2016 SCL - Shelter Plus Care STL City - QoP TRA	1585523
2016	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - 2016 SCG - Shelter Plus Care Springfield	147977
2016	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 - REN - 2016 SCN - Shelter Plus Care Joplin	207101
2016	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 - REN - 2016 SCJ - Shelter Plus Care St. Joseph	254510
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCO - Shelter Plus Care Independence	89218
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SZD - Shelter Plus Care KC - Chronic 10	91053
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCD - Shelter Plus Care KC - Chronic 15	137743
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SZG - Shelter Plus Care KC	163977
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCX - Shelter Plus Care KC - Chronic 21	191030
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCM - Shelter Plus Care Independence	286781
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCI - Shelter Plus Care Independence	290015
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCZ - Shelter Plus Care KC - Chronic 35	321400
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCV - Shelter Plus Care - KC 50	588894
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCE - Shelter Plus Care KC -100	1118113
2016	MO	MO-604 - Kansas City (MOandKS), Independence, Lee's Summit/Jackson, Wyandotte Counties CoC	Missouri	CoC	MO-604 - REN - 2016 SCK - Shelter Plus Care KC -162	1872135
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SZK - Shelter Plus Care Nevada	60925
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SZO - Shelter Plus Care West Central MO	66601
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SZM - Shelter Plus Care Central MO	80815
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCA - Shelter Plus Care Kirksville	110685
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SZI - Shelter Plus Care Outer KC Metro	125653
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCW - Shelter Plus Care West Plains	126852
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCB - Shelter Plus Care Bootheel	133069
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCR - Shelter Plus Care Rolla	141358
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCT - Shelter Plus Care Branson Area	148666
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SCF - Shelter Plus Care Farmington	156001
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2016 SZH - Shelter Plus Care Jefferson Franklin	162841

2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2016 SCP - Shelter Plus Care Poplar Bluff	166820
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2016 SCH - Shelter Plus Care Hannibal	169103
2016	MO		Missouri	ESG		2559566
2016	MO		Missouri	HOME		8623421
2016	MO		Missouri	HOPWA	Formula	543784
2016	MO		Missouri	HTF		3000000
2016	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 – PLN – MO-606 CoC Planning Application FY2016	152726
2015	MO		Missouri	CDBG		20370695
2015	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 – REN – 2015 SZF (Shelter Plus Care STL County Chronic)	124076
2015	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 – REN – 2015 SZA (Shelter Plus Care STL County - chronic 14)	115780
2015	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 – REN – 2015 SZE (Shelter Plus Care STL County Families)	232974
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SZB (Shelter Plus Care STL City - Chronic-43)	336789
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SCL (Shelter Plus Care STL City - QoP TRA)	1585523
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SCQ (Shelter Plus Care STL City - Chronic -70)	541820
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SCY (Shelter Plus Care STL City - SPC)	401930
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SZC (Shelter Plus Care STL City QoP Families)	185076
2015	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 – REN – 2015 SCS (Shelter Plus Care STL City - QoP SRA)	717578
2015	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 – REN – 2015 SCG (Shelter Plus Care Springfield)	147977
2015	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 – REN – 2015 SCN (Shelter Plus Care Joplin)	207101
2015	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 – REN – 2015 SCJ (Shelter Plus Care St. Joseph)	254510
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCV (Shelter Plus Care KC 50)	588894
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCK (Shelter Plus Care KC - 162)	1872135
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCZ (Shelter Plus Care KC - Chronic 35)	321400
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SZG (Shelter Plus Care KC)	163977
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCE (Shelter Plus Care KC - 100)	1118113
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SZD (Shelter Plus Care KC - Chronic 10)	91053
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCI (Shelter Plus Care Independence)	290015
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCM (Shelter Plus Care Independence)	286781
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCD (Shelter Plus Care KC - Chronic 15)	137743
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCX (Shelter Plus Care KC - Chronic 21)	191030
2015	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 – REN – 2015 SCO (Shelter Plus Care Independence)	89218
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SZK (Shelter Plus Care Nevada Area)	60925
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCB (Shelter Plus Care Bootheel Area)	133069
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SZI (Shelter Plus Care Outer KC Metro Area)	125653
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCR (Shelter Plus Care Rolla Area)	141358
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SZH (Shelter Plus Care Jefferson-Franklin Area)	162841
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCF (Shelter Plus Care Farmington Area)	156001
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCA (Shelter Plus Care - Kirksville)	110685
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCH (Shelter Plus Care Hannibal Area)	169103
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCP (Shelter Plus Care Poplar Bluff Area)	166820
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCT (Shelter Plus Care Branson Area)	148666
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 – REN – 2015 SCW (Shelter Plus Care West Plains Area)	126852
2015	MO		Missouri	ESG		2566752
2015	MO		Missouri	HOME		8054925
2015	MO		Missouri	HOPWA	Formula	539777
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 – PLN – MO-606 CoC Planning Application 2015	86134
2015	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 – REN – HIMIS Project	239947
2014	MO		Missouri	CDBG		20771388
2014	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - 2014 SZA (STL County Shelter Plus Care Renewal Chronic-14)	113764
2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SZB (STL City Shelter Plus Care Renewal Chronic-43)	348136

2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SZC (STL City Shelter Plus Care Renewal QoP Families)	195071
2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SCS (STL City Shelter Plus Care Renewal QoP SRA)	735990
2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SCL (STL City Shelter Plus Care Renewal QoP TRA)	1614883
2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SCY (STL City Shelter Plus Care Renewal SPC)	412364
2014	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - 2014 SCQ (STL City Shelter Plus Care Renewal Chronic-70)	559840
2014	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - 2014 Springfield TH Project	27163
2014	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - 2014 SCG (Springfield Shelter Plus Care Renewal)	140729
2014	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 - REN - 2014 SCN (Joplin Shelter Plus Care Renewal)	193913
2014	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 - REN - 2014 SCJ (STJ Shelter Plus Care Renewal)	249098
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SZD (KC Shelter Plus Care Renewal Chronic-10)	90813
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCI (Independence Shelter Plus Care Renewal)	289631
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCM (Independence Shelter Plus Care Renewal)	286565
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCO (Independence Shelter Plus Care Renewal)	89002
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCE (KC Shelter Plus Care Renewal-100)	1116217
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCG (KC Shelter Plus Care Renewal-162)	1866747
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCV (KC Shelter Plus Care Renewal-50)	587394
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCZ (KC Shelter Plus Care Renewal Chronic-35)	320560
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCX (KC Shelter Plus Care Renewal Chronic-21)	190526
2014	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - 2014 SCD (KC Shelter Plus Care Renewal Chronic-15)	137383
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCB (Bootheel Shelter Plus Care Renewal)	126361
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCT (Branson Shelter Plus Care Renewal)	135502
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCF (Farmington Shelter Plus Care Renewal)	161773
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCH (Hannibal Shelter Plus Care Renewal)	161831
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCA (Kirksville Shelter Plus Care Renewal)	107361
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCP (Poplar Bluff Shelter Plus Care Renewal)	159392
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCW (West Plains Shelter Plus Care Renewal)	123324
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - 2014 SCR (Rolla Shelter Plus Care Renewal)	132814
2014	MO		Missouri	ESG		2366520
2014	MO		Missouri	HOME		9164298
2014	MO		Missouri	HOPWA	Formula	541813
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 - REN - HMIS Project	239947
2014	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 - PLN - MO-606 CoC Planning Application FY 2014	54559
2013	MO		Missouri	CDBG		20966693
2013	MO	MO-500 - Saint Louis County CoC	Missouri	CoC	MO-500 - REN - SZA-Shelter Plus Care STL County Chronic	113429
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SZC-Shelter Plus Care STL City Families	194603
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SZB-Shelter Plus Care STL City Chronic	347117
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SCY-Shelter Plus Care STL City	411380
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SCO-Shelter Plus Care STL City Chronic 70	558245
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SCS-Shelter Plus Care SRA QoP STL City	734409
2013	MO	MO-501 - Saint Louis City CoC	Missouri	CoC	MO-501 - REN - SCL-Shelter Plus Care STL City	1611211
2013	MO	MO-600 - Springfield/Greene, Christian, Webster Counties CoC	Missouri	CoC	MO-600 - REN - SCG-Shelter Plus Care Springfield	140009
2013	MO	MO-602 - Joplin/Jasper, Newton Counties CoC	Missouri	CoC	MO-602 - REN - SCN-Shelter Plus Care Joplin	201690
2013	MO	MO-603 - Saint Joseph/Andrew, Buchanan, DeKalb Counties CoC	Missouri	CoC	MO-603 - REN - SCJ-Shelter Plus Care St. Joseph	272414
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCO-Shelter Plus Care Independence/KC	85294
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SZD-Shelter Plus Care Kansas City Chronic	86973
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCD-Shelter Plus Care Kansas City Chronic II	131623
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCX-Shelter Plus Care Kansas City Chronic	182462
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCM-Shelter Plus Care-Independence/KC	274697

2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCI-Shelter Plus Care Independence/KC	277631
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCZ-Shelter Plus Care KC Chronic	307120
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCV-Shelter Plus Care Kansas City	563046
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCE-Shelter Plus Care Kansas City	1069921
2013	MO	MO-604 - Kansas City, Independence, Lee's Summit/Jackson County CoC	Missouri	CoC	MO-604 - REN - SCX-Shelter Plus Care Kansas City	1789287
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCA-Shelter Plus Care Kirksville	105981
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCW-Shelter Plus Care West Plains	121812
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCB-ShelterPlus Care Bootheel	128725
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCR-Shelter Plus Care Rolla	129094
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCT - Shelter Plus Care Branson	137181
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCP - Shelter Plus Care Poplar Bluff	159500
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCF-Shelter Plus Care Farmington	161521
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri	CoC	MO-606 - REN - SCH-Shelter Plus Care Hannibal	165887
2013	MO		Missouri	ESG		2023638
2013	MO		Missouri	HOME		8528904
2013	MO		Missouri	HOPWA	Formula	501756
2013	MO	MO-606 - Missouri Balance of State CoC	Missouri Housing Development Commission	CoC	MO-606 - PLN - MO-606 Planning Application FY2013	54559
2012	MO		Missouri	CDBG		20063764
2012	MO		Missouri	ESG		2569400
2012	MO		Missouri	HOME		9122295
2012	MO		Missouri	HOPWA	Formula	532894
2011	MO		Missouri	CDBG		21613896
2011	MO		Missouri	Emergency Shelter Grants Program		1428349
2011	MO		Missouri	ESG		803446
2011	MO		Missouri	HOME		14065427
2011	MO		Missouri	HOPWA	Formula	531035
2011	MO		Missouri	NSP	NSP3	5000000
2010	MO		Missouri	CDBG		26227064
2010	MO		Missouri	Emergency Shelter Grants Program		1425730
2010	MO		Missouri	HOME		16103811
2010	MO		Missouri	HOPWA	Formula	526694
2009	MO		Missouri	CDBG		24120069
2009	MO		Missouri	Emergency Shelter Grants Program		1424770
2009	MO		Missouri	HOME		16129626
2009	MO		Missouri	HOPWA	Formula	492485
2009	MO		Missouri	NSP	NSP1	42664187
2008	MO		Missouri	CDBG		23714036
2008	MO		Missouri	Emergency Shelter Grants Program		1420284
2008	MO		Missouri	HOME		14435275
2008	MO		Missouri	HOPWA	Formula	473000
2007	MO		Missouri	CDBG		24362207
2007	MO		Missouri	Emergency Shelter Grants Program		1415276
2007	MO		Missouri	HOME		15032492
2007	MO		Missouri	HOPWA	Formula	450000
2006	MO		Missouri	CDBG		24217731
2006	MO		Missouri	Emergency Shelter Grants Program		1399260
2006	MO		Missouri	HOME		15549777
2006	MO		Missouri	HOPWA	Formula	455000
2005	MO		Missouri	CDBG		27066164
2005	MO		Missouri	Emergency Shelter Grants Program		1396603
2005	MO		Missouri	HOME		16403126
2005	MO		Missouri	HOPWA	Formula	475000
2004	MO		Missouri	CDBG		28404120
2004	MO		Missouri	Emergency Shelter Grants Program		1362331
2004	MO		Missouri	HOME		17319983
2004	MO		Missouri	HOPWA	Formula	496000
2003	MO		Missouri	CDBG		29336000
2003	MO		Missouri	Emergency Shelter Grants Program		1241000
2003	MO		Missouri	HOME		17667000
2003	MO		Missouri	HOPWA	Formula	503000

Exhibit K



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FOR RELEASE

Thursday

February 11, 2021

HUD TO ENFORCE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

HUD directive begins implementation of the policy set forth in Biden executive order to prevent and combat sexual orientation and gender identity-based discrimination

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) today announced that it will administer and enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity.

HUD's Office of Fair Housing and Equal Opportunity (FHEO) issued a memorandum stating that HUD interprets the Fair Housing Act to bar discrimination on the basis of sexual orientation and gender identity and directing HUD offices and recipients of HUD funds to enforce the Act accordingly. The memorandum begins implementation of the policy set forth in President Biden's Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (Executive Order), which directed executive branch agencies to examine further steps that could be taken to combat such discrimination.

"Housing discrimination on the basis of sexual orientation and gender identity demands urgent enforcement action," said Acting Assistant Secretary of FHEO, Jeanine M. Worden. **"That is why HUD, under the Biden Administration, will fully enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity or sexual orientation. Every person should be able to secure a roof over their head free from discrimination, and the action we are taking today will move us closer to that goal."**

The significance of this action is underscored by a number of housing discrimination studies which indicate that same-sex couples and transgender persons in communities across the country experience demonstrably less favorable treatment than their straight and cisgender counterparts when seeking rental housing. Despite this reality, the Department has been

constrained in its efforts to address housing discrimination on the basis of sexual orientation and gender identity by legal uncertainty about whether most such discrimination was within HUD's reach.

The memorandum relies on the Department's legal conclusion that the Fair Housing Act's sex discrimination provisions are comparable in text and purpose to those of Title VII of the Civil Rights Act, which bars sex discrimination in the workplace. In *Bostock v Clayton County*, the Supreme Court held that workplace prohibitions on sex discrimination include discrimination because of sexual orientation and gender identity. HUD has now determined that the Fair Housing Act's prohibition on sex discrimination in housing likewise includes discrimination on the basis of sexual orientation and gender identity. Accordingly, and consistent with President Biden's Executive Order, HUD will enforce the Fair Housing Act to prevent and combat such discrimination.

"Enforcing the Fair Housing Act to combat housing discrimination based on sexual orientation and gender identity isn't just the right thing to do-it's the correct reading of the law after *Bostock*," said Damon Y. Smith, Principal Deputy General Counsel. **"We are simply saying that the same discrimination that the Supreme Court has said is illegal in the workplace is also illegal in the housing market."**

The memorandum directs actions by HUD's Office of Fair Housing and Equal Opportunity and HUD-funded fair housing partners to enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity or sexual orientation. Specifically, the memorandum directs the following:

- HUD will accept and investigate all jurisdictional complaints of sex discrimination, including discrimination because of gender identity or sexual orientation, and enforce the Fair Housing Act where it finds such discrimination occurred.
- HUD will conduct all activities involving the application, interpretation, and enforcement of the Fair Housing Act's prohibition on sex discrimination consistent with its conclusion that such discrimination includes discrimination because of sexual orientation and gender identity.
- State and local jurisdictions funded by HUD's Fair Housing Assistance Program (FHAP) that enforce the Fair Housing Act through their HUD-certified substantially equivalent laws will be required to administer those laws to prohibit discrimination because of gender identity and sexual orientation.
- Organizations and agencies that receive grants through the Department's Fair Housing Initiative Program (FHIP) must carry out their funded activities to also prevent and combat discrimination because of sexual orientation and gender identity.
- FHEO Regional Offices, FHAP agencies, and FHIP grantees are instructed to review, within 30 days, all records of allegations (inquiries, complaints, phone logs, etc.) received since January 20, 2020, and notify persons who alleged discrimination because of gender identity or sexual orientation that their claims may be timely and jurisdictional for filing under this memorandum.

Persons who believe they have experienced housing discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 877-8339 (TTY/Relay). Housing discrimination complaints may also be submitted online at hud.gov/fairhousing.

A copy of the directive is available [here](#).

###

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. More information about HUD and its programs is available at www.hud.gov and <https://espanol.hud.gov>.

You can also connect with HUD on social media or sign up for news alerts on HUD's Email List.

HUD COVID-19 Resources and Fact Sheets

The footer banner is a dark grey horizontal bar. On the right side, there are six social media icons: Facebook, Twitter, LinkedIn, Pinterest, Instagram, and YouTube. On the left side, there are two columns of text links. The first column includes: 'Busque Información en Español', 'Accessibility', 'Contact Info', 'Privacy Policy', and 'FOIA'. The second column includes: 'Web Management and Web Policies', 'Inspector General', 'No Fear Act', 'PaymentAccuracy.gov', and 'Download Nuance PDF Reader to view PDF files'. At the bottom left, there are four logos: the U.S. Department of Housing and Urban Development seal, the Equal Housing Opportunity logo, the HUD logo, and the USA logo. At the bottom right, there is contact information: 'U.S. Department of Housing and Urban Development | 451 7th Street S.W., Washington, DC 20410', 'Telephone: (202) 708-1112 TTY: (202) 708-1455', and 'Find the address of the HUD office near you'.

Exhibit L

**ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH THE U.S.
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT**

FAIR HOUSING ASSISTANCE PROGRAM

*Statement of Consistency with *Bostock v. Clayton County, GA*, 590 U.S. ____ (2020)*

I. PURPOSE

The purpose of this Addendum is to ensure consistency in application by [AGENCY NAME] (the Agency) so that the substantive rights protected under [IDENTIFY LAW (e.g., short name, ordinance #, citation)] remain substantially equivalent to those protected by the federal Fair Housing Act, as required by 42 U.S.C. §§ 3610(f) and 3616.

II. AUTHORITY

On February 11, 2021, pursuant to and in order to implement the holding of *Bostock v. Clayton County, GA*, 590 U.S. ____ (2020), HUD’s Acting Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) issued a memorandum directing that discrimination because of sex, as used in the federal Fair Housing Act, includes discrimination because of sexual orientation and gender identity and that complaints alleging housing discrimination because of sex involving sexual orientation and gender identity are jurisdictional under the Act. Because this finding relates to substantive rights protected by the Act, agencies participating in the Fair Housing Assistance Program must either administer a law that explicitly prohibits discrimination because of gender identity and sexual orientation or must apply its fair housing law in a manner consistent with *Bostock* and the FHEO Memorandum.

III. ACKNOWLEDGEMENT

The Agency acknowledges that its fair housing law either provides express protections for both sexual orientation and gender identity or that the Agency will apply its fair housing law such that discrimination because of sex includes sexual orientation and gender identity. Where this acknowledgement relies on the latter, the Agency official’s signature below certifies the Agency’s authority to apply the jurisdiction’s law in this manner.

IV. SIGNATURES

Executed by the undersigned on the dates shown below, and pursuant to the respective authorizations of HUD and the Agency.

for the Agency

Date

for HUD

Date

Exhibit M



NATIONAL FAIR HOUSING MONTH, 2021

10177

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Exactly 1 week after the assassination of Dr. Martin Luther King, Jr., struck at the soul of our Nation, President Lyndon B. Johnson signed a landmark piece of legislation -- an enduring testament to the ideals of Dr. King that enshrined a portion of his legacy in the lives and laws of the American people. Fifty-three years later, the Fair Housing Act still serves as a powerful statement about who we are as a people: the values of equality, equity, and dignity that we strive to uphold, and the places where we still have work to do to fulfill our full promise as a Nation.

The purpose of the Fair Housing Act was to put an end to inequities in our housing system and eliminate racial segregation in American neighborhoods -- and guarantee that all people in America have the right to obtain the housing of their choice, free from discrimination. The law prohibits discrimination in the sale, rental, and financing of housing, and requires Federal, State, and local governments to proactively dismantle the discriminatory structures that held back people of color and other underserved populations from equitable access to the neighborhoods of their choice

By helping to create a fairer housing system, the law seeks to do more than just open up American neighborhoods to all Americans. Access to quality housing is about more than having a roof over your head -- it is the foundation for achieving better educational, employment, and health outcomes, as well as one of the most important ways that families build wealth that they can pass along across the generations. The Fair Housing Act was created at a time when Federal and State policies held that dream at arm's length from far too many Black, Brown, Native,

and Asian American families through the insidious practices of redlining and lending discrimination.

Over the course of 53 years, the law has made a world of difference in the lives of countless families and communities. We have also improved upon it through the years; as a Senator, I was proud to co-sponsor the 1988 Fair Housing Act amendments that extended the law's protections to Americans with disabilities and families with children, and just 2 months ago my Administration issued a rule change to ensure that the law finally guards against discrimination targeting LGBTQ+ Americans. But the truth of the matter is that we have not fully achieved the goals of the Fair Housing Act -- we still have so much work to do.

Many of our neighborhoods remain as segregated today as they were in the middle of the 20th century, and the racial wealth gap is wider now than it was when the Fair Housing Act was passed. Though our Nation has come a long way in many regards, our promise will not be fulfilled as long as anyone in America is denied a good home or a fair shot because of who they are. It is our shared duty to work together to ensure that every person has equitable access to all of the opportunities our communities provide -- and that no one faces barriers to getting a good education, having quality health care, eating healthy food, or finding stable employment that allows their family to thrive solely because of where they live. This is a moral responsibility that cannot wait, particularly at a time when the COVID-19 pandemic has further highlighted and exacerbated the lack of safe, affordable places to live for far too many people in America.

To affirm equal opportunity as the bedrock of our democracy -- and to enlist the entire Federal Government to address entrenched disparities in our laws, public policies, and

institutions -- I signed an Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government on my first day in office. To ensure that the Federal Government continues to prioritize the right to fair housing and actively enforce our Federal civil rights laws, I also signed a Presidential Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies during my first week as President. My Administration will continue our efforts to close persistent racial gaps in wages, housing, credit, lending opportunities, and access to higher education -- gaps that, if closed, would add an estimated \$5 trillion in gross domestic product in the American economy over the next 5 years. We are committed to doing all we can to end unlawful housing discrimination and advance equity for all underserved populations, fulfill the full promise of the Fair Housing Act, and put the American dream within reach of all Americans.

NOW, THEREFORE, I, JOESPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Fair Housing Month. I call upon the people of this Nation to help secure freedom and justice for every American by taking action to fulfill the promise made by the Fair Housing Act to ensure everyone has free and fair housing choice.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

[FR Doc. 2021-07861 Filed: 4/14/2021 8:45 am; Publication Date: 4/15/2021]

Exhibit N



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

February 23, 2021

Sent via email only to:

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness
by fostering educational excellence and ensuring equal access.*

Re: Case No. 01-19-4025
Connecticut Interscholastic Athletic Conference

Case No. 01-19-1252
Glastonbury Public Schools

Case No. 01-20-1003
Bloomfield Public Schools

Case No. 01-20-1004
Canton Public Schools

Case No. 01-20-1005
Cromwell Public Schools

Case No. 01-20-1006
Danbury Public Schools

Case No. 01-20-1007
Hartford Public Schools

Dear Attorneys Mizerak, Monastersky, Murphy, Yoder, and Zelman:

This letter is to notify you that the U.S. Department of Education (the Department) Office for Civil Rights (OCR) hereby withdraws the Revised Letter of Impending Enforcement Action (“Revised Letter”), dated August 31, 2020, the Letter of Impending Enforcement Action (“Letter”), dated May 15, 2020, and the underlying findings and determinations in the above-referenced cases. Please also be advised that the Department has withdrawn its referral of the above-referenced cases to the U.S. Department of Justice requesting initiation of judicial proceedings.

The Revised Letter states that it “constitutes a formal statement of OCR’s interpretation of Title IX and its implementing regulations.” However, the Department has determined that the Revised Letter was issued without the review required for agency guidance documents that set out policy on a regulatory issue (known as “statements of general applicability and future effect”) under the Office of Management and Budget’s Final Bulletin on Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). In addition, pursuant to Executive Order 13988 on *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, OCR is reviewing the above-referenced cases. Therefore, the Revised Letter’s statement of OCR’s interpretation of Title IX and its implementing regulations should not be relied upon in this or any other matter.

If you have any questions, please contact Timothy Blanchard, Regional Director, at 646-428-3805 or timothy.blanchard@ed.gov or Rachel Pomerantz, Chief Attorney, at 646-428-3835 or rachel.pomerantz@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne B. Goldberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights

cc: Glenn Lungarini, CIAC Executive Director, via email only
Alan B. Bookman, Glastonbury Superintendent, via email only
Kevin D. Case, Canton Superintendent, via email only
Dr. Enza Macri, Cromwell Superintendent, via email only
Dr. Sal V. Pascarella, Danbury Superintendent, via email only
Dr. James Thompson, Jr., Bloomfield Superintendent, via email only
Dr. Leslie Torres-Rodriguez, Hartford Superintendent, via email only
Roger G. Brooks, Alliance Defending Freedom, Complainant, via email only

Exhibit O



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

August 31, 2020

Sent via email only to:

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Connecticut Interscholastic Athletic Conference

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Case No. 01-20-1007
Hartford Public Schools

Dear Attorneys Mizerak, Monastersky, Murphy, Yoder, and Zelman:

The U.S. Department of Education, Office for Civil Rights (OCR) issues this Revised Letter of Impending Enforcement Action¹ in the above-referenced cases. The earlier Letter of Impending Enforcement Action, dated May 15, 2020, has been updated in light of the Supreme Court's holding in *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731 (2020).

The Complainant filed complaints against the Connecticut Interscholastic Athletic Conference (CIAC) and the Glastonbury Board of Education (Glastonbury) on behalf of three high school student-athletes and their parents. The Complainant alleged that the CIAC's policy permitting certain biologically male student-athletes to participate in interscholastic athletics (Article IX, Section B of the CIAC By-Laws, adopted May 9, 2013, and titled, "Transgender Participation" (hereinafter referred to as the Revised Transgender Participation Policy)) discriminated against female student-athletes competing in interscholastic girls' track in the state of Connecticut on the basis of their sex.² Specifically, the Complainant alleged that the Revised Transgender Participation Policy denied girls opportunities to compete, including in state and regional meets, and to receive public recognition critical to college recruiting and scholarship opportunities. The

¹ Section 305 of OCR's *Case Processing Manual* states as follows: "When following the expiration of the 10 calendar day period referenced in CPM subsection 303(g) . . . the recipient does not enter into a resolution agreement to resolve the identified areas of non-compliance, OCR will prepare a Letter of Impending Enforcement Action."

² For the purposes of this letter, the terms "male" and "female" are defined by biological sex. See *Mem. from U.S. Attorney General to U.S. Attorneys Heads of Department Components* (Oct. 4, 2017), available at <https://www.justice.gov/ag/page/file/1006981/download>; see also *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731, 1739 (2020) (leaving undisturbed the government's position, and noting that the Court proceeded "on the assumption that 'sex' signified what the employers suggest, referring only to biological distinctions between male and female.").

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Complainant further alleged that implementation of the Revised Transgender Participation Policy by Glastonbury, the school attended by one of the complainant student-athletes (Student 1), denied opportunities to girls competing in interscholastic girls' track on the basis of their sex. In addition, the Complainant alleged that the CIAC retaliated against one of the complainant parents (Parent 1), after Parent 1 complained about the Revised Transgender Participation Policy; and that a Glastonbury track coach retaliated against Student 1 for her and her parent's (Parent 2's) advocacy against the Revised Transgender Participation Policy.

Pursuant to OCR's *Case Processing Manual* (the *Manual*),³ Section 103, OCR also opened an investigation of Bloomfield Public Schools (Bloomfield) and Hartford Public Schools (Hartford), based on allegations that these school districts allowed a biologically male student-athlete (Student A) to participate on their girls' track teams. OCR also opened an investigation of Cromwell Public Schools (Cromwell), based on allegations that this school district allowed a biologically male student-athlete (Student B) to participate on its girls' track team. Additionally, OCR opened an investigation of Canton Public Schools (Canton) and Danbury Public Schools (Danbury), the school districts attended by the other two complainant student-athletes (Students 2 and 3, respectively), following a determination that these school districts may have been involved in alleged acts of discrimination related to the complaints filed against the CIAC and Glastonbury. OCR investigated whether these school districts denied athletic benefits and opportunities to female student-athletes competing in interscholastic girls' track through implementation of the Revised Transgender Participation Policy, or limited the eligibility or participation of any female student-athletes competing in interscholastic girls' track through implementation of the Revised Transgender Participation Policy.

Summary of Findings

As detailed below, the actions of the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury resulted in the loss of athletic benefits and opportunities for female student-athletes. One complainant student-athlete explained to OCR that no matter how hard she trained, she felt that she could never be good enough to defeat Students A and B. She also stated that female student-athletes were missing out on great opportunities to succeed and felt that female student-athletes could be "completely eradicated from their own sports." Another complainant student-athlete explained to OCR that she felt that she could not fairly compete against Students A and B, because they had a physical advantage over her. In this sense, they were denied the opportunities that Connecticut male student-athletes had of being able to compete, on a level playing field, for the benefits that flow from success in competitive athletics. OCR determined that the participation of Students A and B in girls' track events resulted in lost benefits and opportunities for female student-athletes.

OCR determined that the CIAC, by permitting the participation of certain male student-athletes in girls' interscholastic track in the state of Connecticut, pursuant to the Revised Transgender Participation Policy, denied female student-athletes athletic benefits and opportunities, including advancing to the finals in events, higher level competitions, awards, medals, recognition, and the possibility of greater visibility to colleges and other benefits. Accordingly, OCR determined that

³ <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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the CIAC denied athletic benefits and opportunities to female student-athletes competing in interscholastic girls' track in the state of Connecticut through the Revised Transgender Participation Policy, in violation of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX), at 34 C.F.R. § 106.41(a).

OCR determined that the participation of Glastonbury, Canton, and Danbury in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Students 1, 2, and 3, and other female student-athletes competing against Students A and B, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Even though Glastonbury, Canton, and Danbury purported to operate separate teams for members of each sex, Glastonbury, Canton, and Danbury placed female student-athletes in athletic events against male student-athletes, resulting in competitive disadvantages for female student-athletes. The athletic events in which the female student-athletes competed were coeducational; female student-athletes were denied the opportunity to compete in events that were exclusively female, whereas male student-athletes were able to compete in events that were exclusively male. Accordingly, the districts' participation in the athletic events sponsored by the CIAC denied female student-athletes athletic opportunities that were provided to male student-athletes. Glastonbury's, Canton's, and Danbury's obligations to comply with the regulation implementing Title IX are not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R. § 106.6(c).

Student A participated in girls' outdoor track during school year 2017-2018 on the Bulkeley (Hartford) team; and participated in girls' indoor and outdoor track during school year 2018-2019 on Bloomfield's team. OCR determined that the participation of Hartford and Bloomfield in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student A's participating in events against Students 1, 2, and 3, and against other female student-athletes, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Student B participated in girls' indoor and outdoor track during school years 2017-2018 and 2018-2019 on Cromwell's team. OCR determined that the participation of Cromwell in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student B's participating in events against Students 1, 2, and 3, and against other female student-athletes, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Hartford's, Bloomfield's, and Cromwell's obligations to comply with the regulation implementing Title IX are not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R. § 106.6(c).

For the aforementioned reasons, OCR also determined that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury treated student-athletes differently based on sex, by denying benefits and opportunities to female students that were available to male students.

With respect to the retaliation allegation filed against the CIAC, there was insufficient evidence to substantiate the Complainant's allegation that the CIAC retaliated against Parent 1 after Parent 1 complained about the Revised Transgender Participation Policy. With respect to the retaliation

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allegation filed against Glastonbury, there was insufficient evidence to substantiate the Complainant's allegation that Glastonbury retaliated against Student 1.

Nothing in this letter should be interpreted to impute misconduct on the part of any biologically male students who participated in these competitions.

Investigation and Issuance of Letter of Impending Enforcement Action

During the course of the investigation, OCR interviewed the Executive Director of the CIAC; administrators and staff from Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury; and the students and parents on whose behalf the complaint was filed. In addition, OCR reviewed documentation that the Complainant, the CIAC, the school districts, and some of the students and parents submitted. OCR also reviewed publicly available information regarding the CIAC and its member school student-athletes.

At the conclusion of the investigations, OCR informed the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury of its findings and determinations that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury had discriminated against female student-athletes. OCR requested that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury enter into resolution agreements to remedy the violations. Because the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury did not enter into resolution agreements, OCR issued letters of impasse to the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury on March 17, 2020, in which it advised the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that it would issue this letter if each did not reach an agreement with OCR within 10 calendar days of the date of its impasse letter.⁴ OCR issues this Letter of Impending Enforcement Action because the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury have to date failed to voluntarily enter into resolution agreements to remedy the identified violations.

Jurisdiction

OCR is responsible for enforcing Title IX, as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities receiving financial assistance from the U.S. Department of Education (the Department).

OCR has jurisdiction over the CIAC as follows:

- a) The CIAC is a direct recipient of Federal funding from the Department through a grant awarded by the Department's Office of Special Education Programs (OSEP) to support the Special Olympics Unified Champion Schools program administered by the CIAC.

⁴ In emails dated March 27, 2020, OCR informed the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that in view of their COVID-19-related duties and responsibilities, OCR was extending the 10-calendar-day deadline to respond to OCR's proposed resolution agreement for a period of 30 days, to April 27, 2020.

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- b) The CIAC is also an indirect recipient of Federal funding. The CIAC is governed by member school representatives who devote official time and district resources to the CIAC (e.g., determine athletic eligibility, make rules for athletic competitions, run state boys' and girls' tournaments, and control state championships). In addition, the CIAC receives revenue through the sale of tickets to tournament contests—revenue that would otherwise go to the schools—and by the assessment of entry fees on schools for participation in various tournaments. The CIAC is also an indirect recipient of Departmental financial assistance through Special Olympics of Connecticut (which receives grant money from OSEP) because several employees of Special Olympics of Connecticut provide to the CIAC technical assistance in the administration of the Special Olympics Unified Champion Schools program.
- c) The CIAC's member schools also have ceded controlling authority over Connecticut's high school athletic program to the CIAC, whose purpose is to supervise, direct, and control interscholastic athletics in Connecticut. In addition to the CIAC's governance by local school representatives (noted above), the Connecticut General Assembly's Office of Legislative Research stated that school districts have the power to organize athletic programs and decide in what sports to compete, adding, "Boards have delegated authority over the organization of interscholastic high school athletics to [the CIAC]. CIAC regulates high school sports, promulgates eligibility and safety and health rules for teams, and organizes and controls games and championships."

OCR has jurisdictional authority under Title IX to investigate Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury, because each is a recipient of financial assistance from the Department.

I. ATHLETIC BENEFITS AND OPPORTUNITIES

Findings of Fact

The CIAC's Organizational Structure

The CIAC is the only association governing interscholastic athletic programs for secondary schools in Connecticut.⁵ The CIAC is a division of the Connecticut Association of Schools (CAS). Any public or parochial school accredited by the Connecticut State Department of Education, as well as any private school or academy, and any private school holding associate institutional membership in the CAS can become a member of the CIAC. The CIAC currently has 188 member schools. Member schools sign an annual Membership Agreement, pay annual dues, and agree to abide by the CAS Constitution and the CIAC By-Laws and Eligibility Rules. During school year 2018-2019, the CIAC authorized its member schools to participate in 14 boys' sports and 13 girls' sports. The CIAC By-Laws allow female athletes to participate on boys' teams, but do not permit

⁵ See CIAC Handbook 2019-2020, Section 2.2 ("The CIAC is the only Association which governs interscholastic athletic programs for secondary schools in Connecticut.").

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male athletes to participate on girls' teams. The CIAC administers its athletics programs by way of the CAS Constitution, by-laws, and tournament regulations.⁶

The CIAC has 27 committees corresponding to each of the CIAC-sanctioned sports. Each committee includes representatives from member schools, including principals, coaches, and athletic directors, as well as former coaches. These committees coordinate the activities of the sports, including game rules, playing conditions, tournament policies, and sportsmanship initiatives. The by-laws, along with the CAS constitution, are published every year as part of the CIAC Handbook, which is available on the CIAC website.⁷ The Handbook includes detailed rules and regulations governing athletic administration, scheduling, and eligibility, among other topics. The CAS Legislative Body is authorized to make changes to the CAS Constitution and the by-laws. The principals of the CIAC member schools are the voting delegates to the Legislative Body. The CAS Constitution states that any voting member school may submit a proposed change to the by-laws/regulations through its representative. The CIAC Board of Control is the governing body for high school interscholastic sports in Connecticut and has 14 voting and 3 non-voting members; the Board of Control has representatives from large, medium, and small schools, urban and rural schools, as well as public, parochial, and technical schools.⁸ The by-laws require that the Board of Control consider any proposed change to a by-law/regulation, act upon it, and submit any proposed by-law/regulation change to member schools for a vote at the annual meeting of the Legislative Body. The by-laws, including the rules, regulations, and policies contained therein, as well as the tournament regulations are binding on its member schools,⁹ and the CIAC has the authority to penalize schools for violation of the by-laws.¹⁰

During interviews, district staff members confirmed that the districts regarded the by-laws, rules, and regulations, including the Revised Transgender Participation Policy, as binding. The witnesses further stated that they regarded the CIAC as the only athletic association in Connecticut

⁶ The by-laws constitute the general rules and policies for athletic administration and participation in the CIAC. Specific policies, such as the Revised Transgender Participation Policy, are contained within the by-laws. Further policies regarding sport-specific tournament participation (“tournament regulations”) are published each season in a sports information packet.

⁷ http://www.casciac.org/pdfs/ciachandbook_1920.pdf (site last visited on April 24, 2020).

⁸ The CIAC Board of Control is elected each year by the Legislative Body at the Annual Meeting of the CAS. The CIAC Board of Control meets monthly during the school year.

⁹ See the CIAC Handbook 2019-2020, Section 2.4 (“Each member school has the responsibility of knowing and adhering to all CIAC rules and regulations and administering its athletic programs according to those rules.”).

¹⁰ See the CIAC Handbook 2019-2020, Section 3.0, CIAC By-Laws, Article III, Section C (“The Board of Control shall have the power to assess and to enforce such penalties, including fines, against member schools, principals, athletic directors, coaches and/or members of the coaching staff, as it deems suitable for violations of its Bylaws, Regulations, Rules, Standards of Courtesy, Fair Play and Sportsmanship, Code of Ethics, or any other standard of conduct or any other provision of this Handbook.”). Witnesses OCR interviewed, including the CIAC Executive Director and administrators of member schools, stated that, in general, member schools are responsible for ensuring their own compliance with the CIAC’s rules and for self-reporting any violations of those rules. Member schools can also report other schools for potential violations. The CIAC Executive Director informed OCR that, to date, no member school has self-reported or reported another member school for a violation of the Revised Transgender Participation Policy.

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that could provide sufficient competitive opportunities for their students.¹¹ Witnesses told OCR that if their schools were to withdraw from the CIAC, they likely would encounter difficulties scheduling games against other schools and would be unable to participate in statewide competitions. An Athletic Director for one of the Districts advised OCR that a CIAC member school would not benefit from playing against a nonmember school because it would not add to the school's record for purposes of qualifying for the state championship. The same Athletic Director also stated that having a state-wide association makes all of the athletics programs stronger and more consistent with set rules for play and eligibility.

The CIAC's Adoption of its Revised Transgender Participation Policy

The CIAC stated that its Board of Control began discussions regarding transgender participation in athletics during school year 2007-2008. During its 56th Annual Meeting, held on May 8, 2008, the CIAC membership adopted a by-law change concerning the eligibility of transgender athletes, adding new language to Article IX of the CIAC by-laws (the 2008 policy). Specifically, the 2008 policy allowed transgender student-athlete participation only in accordance with the gender stated on the student's birth certificate unless the student had undergone "sex reassignment."¹² The 2008 policy set forth specific requirements for post-pubescent sex reassignment, including surgery; legal recognition of the reassignment by proper governmental authorities; hormonal therapy; and a two-year waiting period post-surgical and anatomical changes.¹³ The 2008 policy also provided that a student-athlete seeking participation as a result of a sex reassignment would be able to appeal eligibility determinations through the CIAC's eligibility appeal process. The stated rationale for the 2008 policy was that "[w]hile the eligibility of transgendered students has not yet been a 'live' issue in Connecticut, the CIAC Board felt that it should be pro-active and have a policy in place for any future eventualities."¹⁴ The 2008 policy remained in effect until 2013. The CIAC advised OCR that, during that time period, the CIAC did not receive any requests for a student-athlete to participate on a team that was different from the student's "assigned gender at birth."

The CIAC stated that in 2012, after the Connecticut Legislature passed Public Act 11-55, expanding the scope of Connecticut's anti-discrimination laws to prohibit discrimination on the basis of "gender identity or expression,"¹⁵ the CIAC decided to review and revise the 2008 policy.

¹¹ The CIAC Executive Director stated that there are private schools within Connecticut, such as Taft, Choate, and Kent, that do not belong to the CIAC. These schools belong to the Founders League, whose website describes the league as comprising "highly selective college preparatory schools." The Founders League includes ten schools from Connecticut and one school from New York. The Founders League holds its Championship in 13 boys' sports and 12 girls' sports separately, and the CIAC precludes any Founders League schools from competing in any post-season events hosted by the CIAC. Witnesses opined that they did not know if the Founders League was a feasible alternative for a public school in lieu of becoming a member of the CIAC.

¹² https://www.casciac.org/pdfs/ciachandbook_1213.pdf (site last visited on April 24, 2020)

¹³ Under the 2008 policy, a student-athlete who had undergone sex reassignment before puberty was not subject to the requirements detailed above.

¹⁴ The CIAC Annual Meeting minutes. https://www.casciac.org/pdfs/adopted_bylaw_changes_CIAC.pdf (site last visited on April 24, 2020).

¹⁵ P.A. 11-55, which became effective on October 1, 2011, defines "gender identity or expression" as follows:

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The CIAC did so at its Annual Meeting, held on May 9, 2013, when the current Revised Transgender Participation Policy was enacted. This Policy states, in relevant part:

[T]his policy addresses eligibility determinations for students who have a gender identity that is different from the gender listed on their official birth certificates. . . . Therefore, for purposes of sports participation, the CIAC shall defer to the determination of the student and his or her local school regarding gender identification. In this regard, the school district shall determine a student's eligibility to participate in a CIAC gender specific sports team based on the gender identification of that student in current school records and daily life activities in the school and community at the time that sports eligibility is determined for a particular season. Accordingly, when a school district submits a roster to the CIAC it is verifying that it has determined that the students listed on a gender specific sports team are entitled to participate on that team due to their gender identity and that the school district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics. . . . The CIAC has concluded that [these] criteria [are] sufficient to preclude the likelihood that a student will claim a particular gender identity for the purpose of gaining a perceived advantage in athletic competition.¹⁶

“Gender identity or expression” means a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person’s core identity or not being asserted for an improper purpose.

See Conn. Gen. Stat. § 46a-51. Specifically, with respect to the public schools, P.A. 11-55 amended § 10-15c of the Connecticut General Statutes to prohibit discrimination on the basis of gender identity or expression, among other bases. The legislative history of P.A. 11-55 indicates that the topic of athletics was briefly raised during the Connecticut House proceedings on May 19, 2011, in a discussion between Rep. Fox (the bill’s proponent) and Rep. Shaban. In response to Rep. Shaban’s question concerning whether, under the bill, a high school boy who wanted to play on the school’s girls’ basketball team could not be prohibited from doing so, Rep. Fox indicated that he believed, but was not certain, that in that context the intent of the bill was to apply only to a male athlete who had undertaken what Rep. Shaban had described as “affirmative physical changes.” Conn. Gen. Assembly House Proceedings 2011, Vol. 54, Part 12 (May 19, 2011) at 4017-4022.

¹⁶ The CIAC informed OCR that the Revised Transgender Participation Policy has been in effect since its adoption on May 9, 2013. The CIAC stated to OCR that the policy contained in the revised by-law no longer required student-athletes to undergo medical treatment or sex reassignment surgery in order to participate in athletics consistent with their gender identity, nor would a student-athlete be required to seek permission from the CIAC in order to participate under the policy in accordance with the student’s gender identity; rather, the policy required member schools to submit rosters that reflected the gender identities of their students. The CIAC further stated that this decision was based on “a determination that a member school is in the best position to identify and confirm that a student-athlete’s gender is consistent with the student’s gender identity at school and to place the student on the correct team roster.” Accordingly, the Board of Control determined that students would not be required to disclose their transgender status to the CIAC.

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Thus, the Revised Transgender Participation Policy eliminated any requirement that transgender student-athletes provide any medical information or documentation to the CIAC or its member schools.

The Connecticut State Department of Education (CSDE) issued a document entitled, “Guidance on Civil Rights Protections and Supports for Transgender Students – Frequently Asked Questions,” dated September 2017 (the 2017 FAQs).¹⁷ The 2017 FAQs state, in relevant part:

For issues concerning participation in interscholastic competitive sports, schools and districts should consult their counsel and the Connecticut Interscholastic Athletic Association (“CIAC”).¹⁸

On October 11, 2018, the CAS Board of Directors requested that an ad hoc committee examine all the CIAC rules and regulations that relate to gender. The meeting minutes of the CIAC stated that the purpose of the review was to ensure that the regulations were in alignment with state law.¹⁹ The CIAC established a Gender By-Law Subcommittee in December 2018 to review all of the by-laws relating to gender in order to confirm the current policies and practices or make recommendations for improvements. In its report to the CIAC Board of Control, dated April 4, 2019, the Subcommittee concluded that the by-laws reviewed were “in alignment with Connecticut law and the CAS-CIAC mission.”²⁰

The CIAC's and School Districts' Implementation of the Revised Transgender Participation Policy

School district witnesses interviewed stated that none of the districts had a specific written procedure or practice in place to implement the Revised Transgender Participation Policy, but that they followed or would follow the plain language of the policy. Districts that had not had a transgender student request to participate in athletics stated that should they receive a request from a transgender student to participate in athletics, they would look at the gender identity listed in the student's current school records and then whether the gender identity the student is expressing during the day is consistent with the gender identity listed in the student's school records; e.g., whether the student has requested to use a name and pronouns consistent with that sex. Witnesses stated that often this process would involve the student's parents, particularly if the student were

¹⁷ https://portal.ct.gov/-/media/SDE/Title-IX/transgender_guidance_faq.pdf?la=en (site last visited on April 24, 2020). This guidance indicates that the CIAC is responsible for establishing statewide policies for transgender participation in interscholastic competitive sports.

¹⁸ 2017 FAQs, p. 7. See https://portal.ct.gov/-/media/SDE/Title-IX/transgender_guidance_faq.pdf?la=en (site last visited on April 24, 2020).

¹⁹ https://portal.ct.gov/-/media/SDE/Title-IX/transgender_guidance.pdf?la=en (site last visited on April 24, 2020).

²⁰ The CAS mission statement is as follows: “The Connecticut Association of Schools provides exemplary programs and services that promote excellence in the education of all children.” The CIAC mission statement is as follows: “The CIAC believes that interscholastic athletic programs and competition are an integral part of a student's academic, social, emotional and physical development. The CIAC promotes the academic mission of schools and honorable competition. As such, the CIAC serves as the regulatory agency for high school interscholastic athletic programs and exists to assure quality experiences that reflect high ethical standards and expectations for fairness, equity and sportsmanship for all student-athletes and coaches. The CIAC provides leadership and support for member schools through the voluntary services of dedicated school administrators, athletic directors, coaches and consultants.”

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a minor and school records needed to be changed; but that once the student had established his or her gender identity, the school would place the student on the roster of the team associated with that gender. Witnesses from districts that have had transgender students request to participate in athletics detailed a similar internal process; namely, that upon a request from a transgender student, they would review the student's records, speak with the student's teachers/counselors, meet with the student's parents, and if all was consistent, thereafter, place the student on the team roster associated with the student's gender identity.

Every district confirmed to OCR that it believed that no specific documentation, medical or otherwise, was required in order for the district to comply with the policy. District administrators reported that they had not received specific training regarding implementation of the Revised Transgender Participation Policy, although some stated that they had attended workshops or presentations on the topic of transgender athletes generally. Principals and athletics directors interviewed by OCR indicated that transgender student-athlete participation had been discussed either formally or informally at annual professional development conferences, as well as during professional association meetings, and through their respective regional conferences. Witnesses from the districts stated, and the CIAC confirmed to OCR, that the CIAC has not questioned any decisions made by a member school under the policy, nor has it investigated any rosters submitted by member schools with respect to the policy. Glastonbury noted that, in the past, when it had a transgender student wish to participate in athletics, the student's parent offered to provide medical documentation to support their request under the Revised Transgender Policy; however, the CIAC advised Glastonbury that the information was not required.

Additionally, multiple district witnesses stated to OCR that, according to their understanding of the Revised Transgender Participation Policy, it is not the school's or district's role to determine a student's gender. Witnesses from Bloomfield, Danbury, Glastonbury, and Hartford stated that the student initiates the process and informs the district of the student's gender identity; and the district's role is to review the current school records, speak with school staff regarding the student's current gender expression during the school day, and then place the student on the appropriate roster. Witnesses from Bloomfield and Cromwell also stated that if a student were to initially register with the school under a gender identity that differed from the student's biological sex, the school would place the student on the roster of the gender identified in the school registration records; i.e., the district and student would not need to have a discussion or review the student's participation under the Revised Transgender Participation Policy. Both Cromwell and Bloomfield have used this process in their districts.

Concerns Raised by Parents and Others to the CIAC Regarding the Policy and the Participation of Biologically Male Students in Track Events

In 2019, the CIAC received several emails from parents of Connecticut high school students, in which the parents expressed concerns about the policy and specifically about the participation in female track events of biologically male students.

From January 2019 to March 2019, the CIAC received four emails from the father of a female student-athlete at Glastonbury High School (Parent 3). On January 29, 2019, Parent 3 sent an email to the CIAC stating that he and many parents of other female track athletes, as well many of

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the athletes themselves, believed that the policy was unfair to female track athletes²¹ and that the policy raised safety concerns as well, particularly with respect to sports involving physical contact.²² With respect to track, he suggested that a compromise could be reached whereby a boy identifying as a girl would be able to compete but would not have the results used for purposes of conference or state records or for all-conference or all-state selection. Parent 3 requested a meeting with the CIAC officials to discuss the topic.²³

On February 17, 2019, Parent 3 sent an email to the CIAC stating that the transgender policy affected the outcome of the CIAC State Open Girls Indoor Track Championship held on February 16, 2019. Specifically, he stated that the performance of a transgender athlete “with all the physiological and anatomical attributes of a male athlete” in the Championship had enabled Bloomfield High School to win the team championship over Glastonbury. Parent 3 again urged the CIAC to change the policy. On February 25, 2019, the Executive Director of the CIAC responded to Parent 3, stating that Parent 3’s correspondence would be provided to a CIAC subcommittee reviewing the policy.

On March 3, 2019, Parent 3 sent an email to the CIAC again urging the CIAC to change the policy. He further stated that at the New England Regional Indoor Track Championship, held on March 2, 2019, a biologically male athlete finished first in the 55-meter and 300-meter sprints and had helped Bloomfield win first place over Glastonbury in the girls’ 4 x 400 meter relay. On March 10, 2019, Parent 3 sent an email to the CIAC stating that the National Scholastic Athletic Foundation, an organization that hosts the New Balance National high school track and field competition, had established a policy whereby female transgender athletes are required to meet applicable rules established by the National Scholastic Athletics Foundation, USA Track & Field, and International Olympic Committee, which required such athletes to demonstrate that they had undergone hormone treatment. Parent 3 stated that when Bloomfield’s girls’ 4 x 400 team recently competed in the New Balance Nationals, it did so without the participation of its biologically male athlete, and that this resulted in a slower time than Bloomfield’s team had achieved at the New England championships, when the biologically male athlete had competed.

From February 2019 to March 2019, the CIAC received three emails from a parent (Parent 4). On February 25, 2019, Parent 4 sent an email to the CIAC expressing concerns about the fairness of the policy.²⁴ He stated “the current unfair competitive balance at the State Open has cost 7

²¹ In part, Parent 3 stated as follows: “Should a boy who identifies as a girl with all of the physiological and anatomical advantages of a boy be able to compete in Connecticut Girls Indoor Track, obtain medals over other girls who have trained hard and care deeply about the results, eradicate existing girls event and state track records and push what would have been the final girl qualifier out of selection for All-Conference and All-State honors?”

²² In part, Parent 3 stated as follows: “Should safety be compromised in girls high school track or other girls sports such as basketball, soccer or lacrosse to accommodate a boy who identifies as a girl with all of the physiological and anatomical advantages of a boy?”

²³ In addition, Parent 3 attached a copy of an email dated January 27, 2019, that he had sent to officials from the Glastonbury District. In this email, Parent 3 expressed his concerns about the policy’s fairness and safety, and he described several recent track meets in which a transgender athlete had finished ahead of other athletes. Parent 3 asked the Glastonbury officials to make efforts to have the policy changed.

²⁴ Specifically, he stated that “there are many, myself included, who cannot begin to fathom the policy of the CIAC that has allowed the competitive record of Connecticut Girls High School Track and Field Competitions to be altered

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Connecticut student/athletes the opportunity to compete at the New England Championship” and “[t]his results in a significant negative impact to these cisgender girls through no fault of their own.” He also stated the policy unfairly denied these elite athletes an opportunity to gain additional exposure with college coaches and recruiters. In addition, he stated that “[a]t the heart of the competitive fairness issue regarding competition between transgender girls and cisgender girls is the abundance of testosterone present in young biological males.”

Further, Parent 4 stated that the CIAC maintains different qualifying standards for girls’ and boys’ track, which he contended was an acknowledgment that there was a measurable difference in the performance capabilities between genders. He requested that the CIAC adjust the results of the 2019 State Girls Open Competition so as not to include the results of the transgender athletes, and he requested that the policy be changed going forward. He offered several suggestions for a new policy (e.g., establishing a new competitive category for transgender athletes).

The Executive Director of the CIAC responded the same day, stating that Parent 4’s correspondence would be shared with the subcommittee reviewing the Revised Transgender Participation Policy. On March 1, 2019, Parent 4 sent an email to the CIAC, stating that he would like to arrange a meeting with the members of the subcommittee reviewing the policy. On March 5, 2019, Parent 4 sent an email to the CIAC stating that, during the New England Indoor Regional Championships on March 2, 2019, spectators from other states had expressed “surprise and concern” that Connecticut permitted transgender athletes to participate.

On June 20, 2019, the CIAC received an email from the mother of a rising female high school student in Connecticut (Parent 5). Parent 5 expressed her concern that the policy was unfair to female athletes because it would allow “genetic males (no matter how they identify themselves) to usurp genetically female athletes in competition.”

In a letter to the CIAC, dated April 11, 2017, a head track coach at a Connecticut high school stated that Student B was at a great advantage unless or until the student began taking hormone blockers. He also referred to average high school testosterone levels according to the Mayo Clinic. He then argued that Student B had gender characteristics that females cannot compete with, and that Student B was taking advantage of the CIAC’s policies and rules. He requested that the CIAC find a solution that allowed Students A and B to compete but also protected female athletes.

The CIAC’s Rules for Girls’ Indoor and Outdoor Track Competition

The CIAC is organized into various boards and committees, including one committee for each CIAC-sanctioned sport. Each year, the CIAC committee for the respective sport publishes a “Sports Packet/Information Sheet” for the season. The Sports Packet/Information Sheets for girls’ indoor and outdoor track set forth, among other things, the procedures for entering student-athletes

by the tabulation and classification of results that include transgender athletes that has now spread its impact to not only athletes that have competed directly in these events, but now also their teammates, especially 75 members of the Glastonbury Girls Indoor Track Team, when team records and scoring are impacted.”

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in events; how many events a student-athlete may participate in;²⁵ submitting qualifying performances; entrance fees; rules regarding electronic devices; protest procedures; scrimmages; and, regular season score reporting.

The CIAC sets the rules for athletic eligibility and competition across the state. Each sport is divided into divisions/classes, based on the size of the school. The CIAC sports committees determine the tournament or championship class divisions for each sport based on the grade 9-12 enrollments of each school as of October 1 of the past school year. A school can have different classes for each of its sports, and a school's class/division can change depending on the year. The Sports Packet/Information Sheet for each sport sets forth the class/divisions for the current year. For example, during school year 2018-2019, for girls' indoor track, the CIAC had the following classes, from smallest school enrollment to largest: Class S, Class M, Class L, and Class LL. For girls' outdoor track, the CIAC had the following classes: Class S, Class M, Class MM, Class L, and Class LL.

There are eleven conferences/leagues²⁶ that are based mostly on geographic location, which can include schools from the different CIAC classes. The CIAC does not set regular season competitive schedules; these are set by the individual member schools, individually or through conferences/leagues.²⁷ However, the CIAC does mandate certain "season limitations," including when the opening day of practice occurs, the minimum number of required practice days prior to the first contest, the maximum number of games or meets played per week, and the maximum number of contests scheduled per season.²⁸

For post-season competition, if they met qualifying standards,²⁹ participants in girls' indoor and outdoor track can participate in a conference/league championship; a class statewide championship; the State Open Championship; and the New England Regional Championship. Each of the eleven conferences/leagues holds a conference/league championship at the end of the indoor and outdoor seasons; and each class holds a class statewide championship at the end of the indoor and outdoor seasons. A student-athlete's eligibility to compete at the indoor and outdoor track State Open Championships is determined by the finish order at the respective class statewide

²⁵ For both girls' indoor and outdoor track, the sport packets state that a competitor shall not compete in more than three events including relays, and any athlete on the tournament roster shall not be entered in more than three events excluding relays; e.g., an athlete may be entered in the 4 x 800, 1600, 3200, and 4 x 400 events, but can only run or be a competitor in three events. A contestant becomes a competitor when the contestant reports to the clerk of course. The rules also state that a competitor who competes in three events at any of the class meets cannot enter any other event at the State Open Championship. The stated rationale is that class championship meets and the State Open are really one meet because advancing to the State Open Championship is predicated on class meet performance. Athletes listed as alternates for relay events may only run if they ran two events or fewer at the class meet; i.e., they are still limited to three events.

²⁶ http://ciacsports.com/site/?page_id=131 (site last visited on April 24, 2020).

²⁷ See CIAC Handbook, Section 5.0 ("The CIAC has no jurisdiction over regular season interscholastic scheduling problems except as these relate to violation of CIAC policies. Schedul[ing] of interscholastic contests within CIAC season limitations is the responsibility of individual schools and/or leagues.")

²⁸ See *id.* at page 47.

²⁹ Schools may only enter athletes who meet the minimum requirements for the event as established by the sports committee for that year, as set forth in the sports information packet.

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championships as set forth in the Sports Packet/Information Sheet.³⁰ For example, for indoor track for school year 2018-2019, the top 14 finishers in all events in class statewide championships for Classes LL, L, M, and S were eligible to compete in the indoor State Open Championship. For outdoor track for school year 2018-2019, the top 5 finishers in each of the class statewide championships automatically qualified for the outdoor State Open Championship, as well as all athletes who obtained the special (automatic) standard for their event at the class statewide championship.³¹

The CIAC awards medals to the top 6 competitors based on the order of finish in events at the State Open Championships (both indoor and outdoor), and the top 6 competitors also qualify for the New England Regional Championships.³² Thereafter, a student may go on to compete at the national championships, held by the National Scholastic Athletics Foundation (the New Balance Indoor and Outdoor Championships), based on the student's qualifying time.³³

The CIAC uses a point system to award points by school to determine a school state champion for indoor and outdoor track. For indoor track, the CIAC uses team scoring based on six places (from first to sixth place, the CIAC awards 10, 8, 6, 4, 2 and 1 points, respectively) for all events. For outdoor track, the CIAC uses team scoring based on eight places (from first to eighth; 10, 8, 6, 5, 4, 3, 2 and 1 points) only when an eight lane track is used; otherwise the CIAC uses team scoring based on six places (from first to sixth; 10, 8, 6, 4, 2 and 1 points) for the event. The points earned by each school are then tallied, and the CIAC ranks schools in the order of points from highest to lowest to determine the state champion.³⁴

³⁰ The Sports Packet/Information Sheet provides information about the Class/Division Championships and the State Open Championship; including qualifying distances and times for entry into the class championships, as well as eligibility to compete in the State Open Championship.

³¹ From at least school years 2012-2013 through 2016-2017, the outdoor sports packet set a CIAC State Open Championship qualifying standard for each event. For the 100-meter dash, the qualifying standard was 12.60 for all years and for the 200-meter dash, the qualifying standard was 26.70 for all years except 2016-2017, when it was lowered to 26.14. The sports packets during those years stated that the automatic standard approximated the 8th place finish established in the prior year State Open. Starting in school year 2017-2018, and continuing in school year 2018-2019, per the Sports Packet, "The special standard will be set each year after the class meets have ended. The special standard will be determined by looking at the performance rankings for each event that includes the top five (5) qualifying performances from each of the class meets. The 12th place performance from the qualifiers will become the automatic standard for that year. All athletes who meet that standard during the current year's class championship will advance to the open."

³² For outdoor track, the 7th and 8th place finishers in the final for any event will be considered as alternates.

³³ The National Scholastic Athletics Foundation's Transgender Participation Policy & Procedure, updated December 2019, allows for a transgender student-athlete to submit a qualified entry into a National Scholastic Athletics Foundation competition or make a written request for participation, which the National Scholastic Athletics Foundation then evaluates on a case-by-case basis, including evaluation by an Eligibility Committee comprising at least one medical professional, event director, active age-appropriate coach, and lawyer. The Eligibility Committee can request any information it believes relevant to the application, including but not limited to interviews with the athlete and/or parents/guardians and coaches, and a review of relevant medical and legal records. The policy states that a male-to-female athlete who is not taking hormone treatments related to gender transition may not compete in female competitions, but that a female-to-male athlete not taking testosterone related to gender transition may compete in male competitions.

³⁴ In the outdoor State Open Championship, seeding is done electronically based on an athlete's performance at the Class meets. An athlete's seed determines the athlete's lane assignment; the athlete with the fastest projected time based on performance at the Class meets is assigned to a middle lane (usually lane 4) and athletes are then placed in lanes in order of seed, working towards the outside lanes.

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Complainant Students and Competition Against Students A and B

The complaint was filed on behalf of three high school female students competing in girls' track in the state of Connecticut: Student 1, attending Glastonbury High School (School 1); Student 2, attending Canton High School (School 2); and Student 3, attending Danbury High School (School 3). The Complainant specifically complained about two students who participated in girls' track in the state of Connecticut: Student A, who competed for Bulkeley High School in the Hartford School District (School A1) in the spring of school year 2017-2018, and Bloomfield High School (School A2) during school year 2018-2019 to the present; and Student B attending Cromwell High School (School B). The CIAC's list of sanctioned sports includes boys' track. Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury each maintained boys' track teams.

In order to determine the impact of the Revised Transgender Participation Policy on Students 1, 2, and 3, OCR reviewed the participation of Students 1, 2, 3, A, and B in post-season conference/league championships, class championships, State Open Championships, and the New England Regional Championships. OCR reviewed information for school years 2017-2018 and 2018-2019.

Student 1

OCR determined that Student 1 was enrolled at School 1 as a 10th grade student during school year 2017-2018, and as an 11th grade student during school year 2018-2019. Student 1 was a student-athlete on School 1's girls' varsity indoor and outdoor track teams. Regionally, School 1 participated in the Central Connecticut Conference (CCC). Statewide, School 1 participated in Class LL for indoor and outdoor track.

The Complainant asserted that pursuant to the Revised Transgender Participation Policy, and the resulting participation of Students A and B, the CIAC denied Student 1 opportunities to advance to the finals in an event, to advance to higher levels of competition, and/or win titles at events such as the CIAC Outdoor State Open Championship, held on June 4, 2018; the CIAC Indoor State Open Championship, held on February 16, 2019; and the Indoor New England Regional Championship, held on June 8, 2019.

During an interview with OCR, Student 1 stated that she and other female student-athletes with whom she had spoken found it very difficult to go into a race knowing that no matter what they do, they would never be good enough to win. In a video provided by the Complainant, Student 1 asserted that by permitting transgender athletes to participate in girls' track competitions, she and other athletes had lost opportunities to compete at track meets, to win titles, and to gain attention from college coaches. She further stated that women have fought hard for many years to have opportunities and a voice in sports; and that it is upsetting to realize that no matter how hard she and other female student-athletes train, they will never be good enough to compete against transgender athletes. Student 1 also stated: "I respect these transgender athletes, and I understand that they are just following CIAC policy. But at the same time, it is demoralizing and frustrating for me and for other girls."

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The Athletic Director for School 1 acknowledged that some parents had complained that their children did not place at certain meets, but she stated that she was unaware of whether any female students had lost out on competitive opportunities, awards, or wins. School 1's Athletic Director denied that any of the female student-athletes on the girls' indoor or outdoor track teams were denied participation opportunities as a result of having transgender athletes participate in track events. She stated that student-athletes were eligible to participate in all meets that the District participated in if they met the requirements. School 1's Assistant Athletic Director stated that she is aware of Student 1's complaint that she was deprived of an opportunity to advance to the New England Regional Championship due to the participation of transgender athletes.

Student 2

Student 2 was enrolled at School 2 as a 10th grade student during school year 2017-2018, and as an 11th grade student during school year 2018-2019. During school years 2017-2018 and 2018-2019, Student 2 was a student-athlete on School 2's varsity girls' indoor and outdoor track teams. Regionally, School 2 participated in the North Central Connecticut Conference (NCCC). Statewide, School 2 participated in Class S for indoor and outdoor track.

The Complainant asserted that, pursuant to the Revised Transgender Participation Policy and the resulting participation of Students A and B, the CIAC denied Student 2 opportunities to advance to higher levels of competition and/or win titles at events such as the 2017 Outdoor State Open Championship, held on June 6, 2017; the New England Regional Championship, held on June 10, 2017; the Class S Indoor Championship held on February 10, 2018; the Outdoor State Open Championship, held on June 4, 2018; the Class S Indoor Championship, held on February 7, 2019; the Indoor State Open Championship, held on February 16, 2019; the Class S Outdoor Championship, held on May 30, 2019; and the Outdoor State Open Championship, held on June 3, 2019.

During an interview with OCR, Student 2 stated that, in addition to the impact the participation of Students A and B had on her and other female student-athletes' ability to win titles and awards, their participation also has had an impact on her and other female student-athletes' ability to obtain recognition from media and college coaches. Student 2's mother (Parent 1) noted that some biologically female track student-athletes had lost out on media recognition because the winner of an event at the state championships gets the opportunity to be interviewed by reporters, while the second and third place finishers do not. Specifically, Parent 1 stated that at the state championships there is a bank of reporters waiting to interview the winners and the winners' names are put in the local papers, and that student-athletes typically do not receive any media recognition when they come in second. Further, Student 2 stated that the participation of Student A, in particular, had an impact on her ability to set class records for the CIAC Class S 100-meter and 200-meter races.

School 2's principal stated that no student-athletes were prohibited from participating; student-athletes went to every meet that the school participated in, and all student-athletes who qualified for state tournaments had the opportunity to compete. However, the principal acknowledged that, at the state level, some people might argue that a transgender athlete defeated a District student (i.e., Student 2); therefore, that student lost out on an award.

Student 3

OCR determined that Student 3 was enrolled at School 3 as a 9th grade student during school year 2018-2019. Regionally, School 3 participated in the Fairfield County Interscholastic Athletic Conference (FCIAC). Statewide, School 3 participated in Class LL for indoor and outdoor track. During school year 2018-2019, Student 3 was a student-athlete on School 3's girls' varsity outdoor track team.

The Complainant asserted that, pursuant to the Revised Transgender Participation Policy and the resulting participation of Students A and B, the CIAC denied Student 3 opportunities to advance to higher levels of competition and/or win titles at events, such as the Outdoor State Open Championship, held on June 3, 2019. During an interview with OCR, Student 3 stated that when competing against transgender athletes, it was frustrating for her to know that she would not be able to do as well as she otherwise could do. In a video the Complainant provided, Student 3 asserted that even before she gets to the track, she already knows that she is not going to win first or second place if she races against transgender athletes; and that no matter how hard she works, she will not be able to win the top spot.

Competition Against Students A and B

Descriptions of some of the girls' track indoor and outdoor post-season events in which Students 1, 2, and/or 3 participated with Students A and/or B during school years 2017-2018 and 2018-2019 are set forth below.

1. During school year 2017-2018, in the Indoor State Open Championships, Student B participated in the 55-meter dash. In the preliminary for the 55-meter dash, Student B placed 2nd and Student 2 placed 16th. The top 8 finishers advanced to the finals; however, even though Student 2 would not have advanced to the finals even absent Student B's participation, Student B's finish in the top 8 in the preliminary denied an opportunity for the 9th place finisher to advance to the finals. See chart summarizing the results:

2017-2018 Indoor State Open Championships					
Girls 55-Meter Dash Preliminaries (Top 7 Advance to Finals)					
Place	Student	Time	School	Seed	Heat
1	*	7.26q	*	7.31	1
2	Student B	7.30q	School B	7.31	1
3	*	7.34q	*	7.39	3
4	*	7.35q	*	7.28	2
5	*	7.40q	*	7.39	3
6	*	7.42q	*	7.48	3
7	*	7.43q	*	7.38	2
8	*	7.44	*	7.44	1
9T	*	7.53	*	7.47	3
9T	*	7.53	*	7.40	2

2017-2018 Indoor State Open Championships Girls 55-Meter Dash Preliminaries (Top 7 Advance to Finals)					
Place	Student	Time	School	Seed	Heat
...	
16	Student 2	7.78	School 2	7.46	2

2. During school year 2017-2018, in the Outdoor State Open Championships, Student A and Student B participated in the 100-meter dash. In the preliminary for the 100-meter dash, Student A placed 1st and Student B placed 4th. The top 8 finishers advanced to the finals, including Student 2 (who placed 2nd) and Student 1 (who placed 8th); however, Student A's and Student B's finishes in the top 8 in the preliminary denied an opportunity for two female student-athletes to advance to the finals. In the finals of the 100-meter dash, Student A placed 1st, Student B placed 2nd; Student 2 placed 4th; and Student 1 placed 6th. The top six finishers were awarded medals and advanced to the New England Regional Championships, including Student 1 and Student 2; however, Student A's and Student B's finishes in 1st and 2nd place, respectively, denied an opportunity for two female student-athletes to advance to the New England Regional Championships, along with the benefit of receiving a medal for the Outdoor State Open Championships.³⁵ Student A placed 1st at the preliminaries of the 100-meter dash at New England Regional Championships. The top 8 finishers advanced to the finals, including Student 2 (who placed 7th);³⁶ however, Student A's finish in the top 8 in the preliminary denied an opportunity for a female student-athlete to advance to the finals.³⁷ See charts summarizing the results below:

2017-2018 Outdoor State Open Championships Girls 100-Meter Dash Preliminaries (Top 8 Advance to Finals)					
Place	Student	Time	School	Seed	Heat
1	Student A	11.75q	School A1	11.77	3
2	Student 2	12.26q	School 2	12.61	2
3	*	12.38q	*	12.33	1
4	Student B	12.39q	School B	12.22	2
5	*	12.46q	*	12.57	3
6	*	12.52q	*	12.74	2
7	*	12.54q	*	12.34	1
8	Student 1	12.58q	School 1	12.91	3
9	*	12.63	*	12.73	3
10	*	12.64	*	12.68	2
...
25	*	13.17	*	12.98	

³⁵ Student A, Student B, and Student 2 also participated in the 200-meter dash, and finished 1st, 7th and 10th, respectively, in the final. Student A's 1st place finish denied an opportunity for one female student-athlete to advance to the New England Regional Championships in the 200-meter dash, along with the benefit of receiving a medal for the Outdoor State Open Championships.

³⁶ Student 1 placed 25th.

³⁷ In the finals of the 100-meter dash, Student A placed 1st, while Student 2 placed 7th.

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2017-2018 Outdoor State Open Championships Girls 100-Meter Dash Finals				
Place	Student	Time	School	Points
1	Student A	11.72#	School A1	10
2	Student B	12.29	School B	8
3	*	12.36	*	6
4	Student 2	12.39	School 2	5
5	*	12.47	*	4
6	Student 1	12.67	School 1	3
7	*	12.71	*	2
8	*	12.80	*	1

2017-2018 Outdoor New England Regional Championships Girls 100-Meter Dash Preliminaries (Top 8 Advance to Finals)						
Place	Student	Time	School	Heat	Tie-breaker	State
1	Student A	12.46q	School A1	5		CT
2	*	12.59q	*	4		MA
3	*	12.64q	*	3		MA
4	*	12.65q	*	1		MA
5	*	12.81q	*	1	12.805	CT
6	*	12.81q	*	2	2.809	CT
7	Student 2	12.82q	School 2	2		CT
8	*	12.92q	*	5		RI
9	*	12.94	*	3		MA
10	*	12.95	*	5		MA
...
25	Student 1	13.5010	School 1	3	13.497	CT
33	*	13.84	*	1		RI

2017-2018 Outdoor New England Regional Championships 100-Meter Dash Finals					
Place	Student	Time	School	Tie breaker	State
1	Student A	11.97	School A1		CT
2	*	12.26	*		MA
3	*	12.31	*		MA
4	*	12.50	*		MA
5	*	12.56	*	12.554	CT
6	*	12.56	*	12.559	CT
7	Student 2	12.58	School 2		CT
8	*	12.69	*		RI

- During school year 2018-2019, in the Indoor Class S Statewide Championships, Student A and Student B participated in the 55-meter dash. In the preliminary for the 55-meter dash, Student A placed 1st and Student B placed 2nd. The top 7 finishers advanced to the finals, including Student 2 (who placed 3rd); however, Student A's and Student B's finishes in the top 7 in the preliminary denied an opportunity for two female student-athletes to advance to the finals. In the finals of the 55-meter dash, Student A placed 1st, Student 2 placed 2nd, and Student B placed 3rd. The top 14 finishers advanced to the State Open Championship. While all three student-athletes advanced to the State Open Championship, Student A's and Student B's participation denied an opportunity to two female student-athletes to participate in the State Open Championship for the 55-meter dash.³⁸ See charts summarizing results below:

2018-2019 Indoor Class S Statewide Championships Girls 55-Meter Dash Preliminaries (Top 7 Advance to Finals)				
Place	Athlete	Time	High School	Heat
1	Student A	7.16q	School A2	8
2	Student B	7.30q	School B	6
3	Student 2	7.38q	School 2	7
4	*	7.61q	*	1
5	*	7.63q	School A2	1
6	*	7.63q	*	5
7	*	7.68q	*	3
8	*	7.70	*	5
9	*	7.71	*	2
10	*	7.74	*	4
....
48	*	8.37	*	3

2018-2019 Indoor Class S Statewide Championships Girls 55-Meter Dash Finals				
Place	Athlete	Time	High School	Points
1	Student A	7.03	School A2	10
2	Student 2	7.27	School 2	8
3	Student B	7.33	School B	6
4	*	7.48	*	4
5	*	7.51	School A2	2
6	*	7.53	*	1
7	*	7.54	*	-

- During school year 2018-2019, in the Indoor State Open Championship, Student A and Student B participated in the 55-meter dash. In the preliminary for the 55-meter dash, Student A placed 1st and Student B placed 2nd. The top 7 finishers advanced to the

³⁸ Student A also placed 1st in the finals of the 300-meter dash, which denied an opportunity to one girl to participate in the State Open Championship for the 300-meter dash.

finals, including Student 2 (who placed 4th); however, Student A's and Student B's finishes in the top 7 in the preliminary would have denied an opportunity for two female student-athletes to advance to the finals, including Student 1 (who placed 8th). In the finals of the 55-meter dash, Student A placed 1st, Student B placed 2nd, and Student 2 placed 3rd. The top six finishers are awarded medals and advance to the New England Regional Championships; however, Student A's and Student B's finishes in 1st and 2nd place, respectively, denied an opportunity for two female student-athletes to advance to the New England Regional Championships, along with the benefit of receiving a medal for the Outdoor State Open Championships.³⁹ Further, since Student 2 placed 3rd, Student A's and Student B's participation denied an opportunity to Student 2 to place 1st in the 55-meter dash and receive the benefit of a 1st place medal. In the Indoor New England Regional Championship, in the preliminaries for the 55-meter dash, Student A placed 2nd, Student B placed 3rd, and Student 2 placed 8th. The top 8 finishers advanced to the finals. Although all three advanced to the finals, Student A's and Student B's 2nd and 3rd place finishes, respectively, denied an opportunity to two female student-athletes to advance to the finals. In the finals of the 55-meter dash, Student A placed 1st, Student B placed 3rd, and Student 2 placed 8th. See charts summarizing results below:

2018-2019 Indoor State Open Championships				
Girls 55-Meter Dash Preliminaries (Top 7 Advance to Finals)				
Place	Athlete	Time	High School	Heat
1	Student A	7.00q	School A2	3
2	Student B	7.07q	School B	3
3	*	7.24q	*	2
4	Student 2	7.27q	School 2	1
5	*	7.27q	*	1
6	*	7.29q	*	2
7	*	7.34q	*	3
8	Student 1	7.37	School 1	2
9	*	7.41	*	3
10	*	7.45	*	2
....
16	*	7.85	School A2	2

2018-2019 Indoor State Open Championships				
Girls 55-Meter Dash Final				
Place	Athlete	Time	High School	Points
1	Student A	6.95	School A2	10
2	Student B	7.01	School B	8
3	Student 2	7.23	School 2	6

³⁹ Student A also placed 1st in the finals of the 300 meter dash in the Indoor State Open Championships, which denied an opportunity to a female student-athlete to advance to the New England Regional Championships, along with the benefit of receiving a medal for the Indoor State Open Championships.

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2018-2019 Indoor State Open Championships				
Girls 55-Meter Dash Final				
Place	Athlete	Time	High School	Points
4	*	7.24	*	4
5	*	7.26	*	2
6	*	7.33	*	1
7	*	7.39	*	-

2018-2019 Indoor New England Regional Championships				
Girls 55-Meter Dash Preliminaries (Top 8 Advance to Finals)				
Place	Athlete	Time	High School	Heat
1	*	7.08q	* MA	2
2	Student A	7.09q	School A2- CT	4
3	Student B	7.24q	School B- CT	3
4	*	7.28q	*- MA	3
5	*	7.29q	*- MA	4
6	*	7.30q	* -CT	1
7	*	7.30q	*- MA	1
8	Student 2	7.30q	School 2 - CT	1
9	*	7.39	*- MA	1
10	*	7.40	* - RI	4
....
30	*	7.92	* - VT	3

2018-2019 Indoor New England Regional Championships			
Girls 55-Meter Dash Finals			
Place	Athlete	Time	High School
1	Student A	6.94	School A2- CT
2	*	7.04	* - MA
3	Student B	7.17	School B- CT
4	*	7.23	* - MA
5	*	7.27	* - MA
6	*	7.27	* - CT
7	*	7.31	* - MA
8	Student 2	7.32	School 2 - CT

5. During school year 2018-2019, in the Outdoor Class S Statewide Championships, Student A participated in the 100-meter dash and the 200-meter dash; and Student B participated in the 100-meter dash. In the preliminary for the 100-meter dash, Student A placed 2nd and Student B placed 3rd. The top 8 finishers advanced to the finals, including Student 2 (who placed 1st); however, Student A's and Student B's finishes in the top 8 in the preliminary denied an opportunity for two female student-athletes to advance to the finals. In the finals of the 100-meter dash, Student A placed 1st, Student 2 placed 2nd, and Student B placed 3rd. While all three student-athletes advanced to the

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State Open Championship, Student A's participation denied Student 2 the benefit of a 1st place finish in the Class S Statewide Championship for the 100-meter dash. Similarly, in the finals of the 200-meter dash, Student A placed 1st and Student 2 placed 2nd.⁴⁰ While both students advanced to the State Open Championship, Student A's participation denied Student 2 the benefit of a 1st place finish in the Class S Statewide Championship for the 200-meter dash. See charts summarizing results below:

2018-2019 Outdoor Class S Statewide Championships Girls 100-Meter Dash Preliminaries (Top 8 Advance to Finals)				
Place	Student	Time	School	Heat
1	Student 2	12.14	School 2	4
2	Student A	12.18	School A2	5
3	Student B	12.50	School B	3
4	*	12.73	*	1
5	*	13.05	*	1
6	*	13.08	*	2
7	*	13.16	School A2	4
8	*	13.22	*	5
9	*	13.27	*	3
10	*	13.30	*	4
...
35	*	14.28	*	5

2018-2019 Outdoor Class S Statewide Championships Girls 100-Meter Dash Finals				
Place	Student	Time	School	Points
1	Student A	11.93#	School A2	10
2	Student 2	12.02	School 2	8
3	Student B	12.28	School B	6
4	*	12.82	*	5
5	*	12.86	*	4
6	*	13.13	*	3
7	*	13.14	*	2
8	*	13.31	School A2	1

2018-2019 Class S Statewide Championships Girls 200-Meter Dash Finals					
Place	Student	Time	School	Heat	Points
1	Student A	24.47#	School A2	6	10
2	Student 2	24.79	School 2	6	8
3	*	25.92	School A2	6	6
4	*	26.17	*	6	5

⁴⁰ Student B scratched.

2018-2019 Class S Statewide Championships Girls 200-Meter Dash Finals					
Place	Student	Time	School	Heat	Points
5	*	26.30	*	3	4
6	*	26.41	*	6	3
7	*	26.76	School A2	6	2
8	*	26.85	*	3	1
9	*	26.93	*	5	
10	*	27.02	*	6	
...
32	*	28.95	*	2	
...
--	Student B	SCR	School B		

6. During school year 2018-2019, in the Outdoor State Open Championship, Student A and Student B participated in the 100-meter dash. In the preliminary for the 100-meter dash, Student A placed 1st and Student B placed 5th. The top 8 finishers advanced to the finals, including Student 2 (who placed 3rd) and Student 3 (who placed 4th)⁴¹; however, Student A's and Student B's finishes in the top 8 in the preliminary denied an opportunity for two female student-athletes to advance to the finals. In the finals of the 100-meter dash, Student 2 placed 1st, Student 3 placed 3rd, and Student B placed 4th.⁴² The top 6 finishers were awarded medals and advanced to the New England Regional Championships; however, Student B's finish in 4th place denied an opportunity for a female student-athlete to advance to the New England Regional Championships, along with the benefit of receiving a medal for the Outdoor State Open Championships. Student A, Student 2 and Student 3 also participated in the 200-meter dash and finished 1st, 4th, and 3rd, respectively, in the final. Student A's 1st place finish denied an opportunity for one female student-athlete to advance to the New England Regional Championships, along with the benefit of receiving a medal for the Outdoor State Open Championships. Student A placed 1st in the finals of the 200-meter dash at the Outdoor New England Regional Championships; Student 3 placed 3rd and Student 2 placed 5th. See charts summarizing results below:

2018-2019 Outdoor State Open Championships Girls 100-Meter Dash Preliminaries (Top 8 Advance to Finals)					
Place	Student	Time	School	Heat	Tie
1	Student A	11.64q	School A2	3	
2	*	11.98q	*	1	
3	Student 2	12.07q	School 2	2	
4	Student 3	12.11q	School 3	3	
5	Student B	12.20q	School B	1	
6	*	12.44q	*	2	12.433

⁴¹ Student 1 placed 14th.

⁴² Student A had a false start and was disqualified.

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2018-2019 Outdoor State Open Championships Girls 100-Meter Dash Preliminaries (Top 8 Advance to Finals)					
Place	Student	Time	School	Heat	Tie
7	*	12.44q	*	1	12.436
8	*	12.45q	*	3	
9	*	12.50	*	3	
10	*	12.56	*	1	

14	Student 1	12.79	School 1	3	

24	*	13.25	*	3	

2018-2019 Outdoor State Open Championships Girls 100-Meter Dash Finals					
Place	Student	Time	School	Points	Tie
1	Student 2	11.67	School 2	10	
2	*	11.92	*	8	
3	Student 3	12.04	School 3	6	
4	Student B	12.22	School B	5	
5	*	12.36	*	4	
6	*	12.38	*	3	12.375
7	*	12.38	*	2	12.378
--	Student A	FS	School A2		

2018-2019 Outdoor State Open Championships Girls 200 Meter Dash Finals					
Place	Student	Time	School	Heat	Points
1	Student A	24.33	School A2	3	10
2	*	24.75	*	3	8
3	Student 3	25.01	School 3	3	6
4	Student 2	25.24	School 2	3	5
5	*	25.38	*	3	4
6	*	25.55	*	3	3
7	*	25.63	*	2	2
8	*	25.79	*	2	1
9	*	26.28	*	2	
10	*	26.44	*	2	
...
--	Student 1	DNS	School 1	2	

Team School Championships Involving Students A and B

OCR reviewed the race results for the 2018-2019 Indoor State Open Championship and confirmed the following order of finish of schools for the state championship:

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- School A2 – 54 points
- School 1 – 39 points
- School 3 – 34 points
- Hillhouse – 34 points
- Norwich Free Academy – 21 points

OCR further confirmed that School A2 earned 10 points for each of Student A's 1st place finishes. OCR determined that other School A2 student-athletes at the meet earned the team the following points:

- 2nd place in the 300-meter dash, earning School A2 8 points,
- 1st place in the 600-meter run, earning School A2 10 points;
- 5th place in the 4 x 200 relay, earning School A2 2 points; and
- 3rd place in the shot put, earning School A2 6 points

OCR also reviewed the results for the 2018-2019 Outdoor State Open Championships, held on June 3, 2019. OCR determined that School A2 placed 3rd (38 points) in the team championship, a full 20 points behind School 2, which placed first (58 points) and Windsor, which placed 2nd (43 points). The top 5 finishers were as follows:

- School 3 – 58 points
- Windsor – 43 points
- School A2 – 38 points
- Norwich Free Academy – 32 points
- Immaculate – 30 points

Student A participated in the 100-meter dash, the 200-meter dash, and the 4 x 400 relay in the 2018-2019 Indoor State Open Championship, and earned 10 points for School A2 for Student A's first place finish in the 200-meter dash; and was also on School A2's 4 x 400 relay team, which placed 1st and also earned 10 points for School A2.

School Districts Investigated by OCR

Glastonbury:

Glastonbury advised OCR that as a CIAC member school, it must comply with all of the CIAC's by-laws, policies, rules, and regulations, including the Revised Transgender Participation Policy. Glastonbury reported that it does not currently have any transgender students of which it is aware participating in its athletics program. Glastonbury stated that it must allow students to participate on the athletics team consistent with their gender identity because of state law and the Revised Transgender Participation Policy. Glastonbury stated that it has not challenged the CIAC's Revised Transgender Participation Policy because it is consistent with the requirements of state law, with which Glastonbury already must comply.

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Glastonbury's Athletic Director stated that no female athletes were denied participation on any of their athletic teams as a result of having transgender athletes participate, and that student-athletes were eligible to participate in all meets that the District participated in if they met the requirements (i.e., qualifying marks, selection for relay team which is a determination made at the coaching level). The Athletic Director stated that the complaint filed with OCR addresses what is perceived as an inability to win.

Glastonbury's Principal stated that some district parents complained that a female student was affected by having a transgender student from another team participate in track events. The principal advised OCR that she never verified the times or records brought to her attention, nor did she make a determination regarding the allegations.

In emails dated May 2-10, 2018, Parent 2 requested guidance from the Athletic Director regarding the participation of Student A in girls' track events and whether it was consistent with the CIAC's Revised Transgender Participation Policy. The Athletic Director stated that she had spoken with someone at the CIAC who indicated that Student A would have had to declare her gender identity prior to the start of the school year in August. Parent 2 stated that she informed the CIAC that Student A participated as a male during the indoor season and then as a female during the outdoor season in 2017-2018; and stated that the CIAC advised her that it would be following up with School A1. On May 10, 2018, the Athletic Director advised Parent 2 that she was following up and had placed a call to the CIAC. In an email dated May 11, 2018, the Athletic Director responded to Parent 2, advising her that based on her reading of the CIAC rule, as well as confirmation she received from the CIAC, Student A's participation was in compliance with the Revised Transgender Participation Policy. She noted that if Parent 2 had been told Student A had to declare prior to the start of the school year, that was misinformation, as that requirement is nowhere in the language of the policy. The Athletic Director advised Parent 2 that she also shared this information with the track coach.

On May 23, 2018, Parent 2 advised the Athletic Director via email that she had been discussing transgender eligibility with her legislative office and wanted to make the Athletic Director aware. In an email dated May 29, 2018, Parent 2 asked the Athletic Director if students declaring a gender identity are required to produce any supporting documentation, or if there is a waiting period. In an email dated June 6, 2018, Parent 2 advised the Athletic Director that she intended to request a meeting with the CIAC regarding the transgender policy; the Athletic Director acknowledged the email and stated that there had been articles and some troubling behavior around the issue, and advised that a letter to the CIAC was probably the best route for the parent to take.

In an email dated July 2, 2018, to the Athletic Director, Parent 2 stated that the CIAC had refused to entertain any policy changes in response to her correspondence with them; it was her understanding that member schools set policy; and she wanted to meet with the Athletic Director to share her research. The Athletic Director responded attempting to schedule a time to meet. Thereafter, in an email dated July 18, 2018, Parent 2 forwarded to the Athletic Director copies of responses she had received from the CIAC Executive Director. In the email, she stated that, although the CIAC stated that the state legislature needed to make a change, her state representatives informed her that athletics policies fall under the CIAC's jurisdiction.

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In an email dated January 27, 2019, to School 1 administrators, Parent 3 alleged that Student A, whom Parent 3 identified as a boy who identifies as a girl, was participating in track and creating an unfair and unsafe environment in girls track. He provided, as an example, that during the 4 x 400 relay event on January 26, 2019, in the second leg, Student A “had physicality” with a runner from Windsor, resulting in a significant lead for Bloomfield. The student-athlete running the last leg of the relay for Windsor was unable to close the gap that Student A had created. He also provided an example that at the Yale Invitational held on January 12, 2019, a student-athlete came in second to Student A, despite having run a faster time than 182 other girls in the 300-meter sprint. He asked that the unsafe and unfair situation be addressed now before it affected other sports.

In response, on January 29, 2019, the District's school board chair emailed Parent 3 and thanked him for sharing his experiences and concerns, but noted that the CIAC handbook indicated that it would be contrary to state and federal law to preclude transgender students from participating. She stated that, accordingly, she did not believe that exclusion was an option, but advised that this was just her opinion.

In an email dated February 17, 2019, to School 1 administrators and the CIAC Executive Director, among others, Parent 3 asserted that the Revised Transgender Participation Policy directly affected the outcome of School 1's winning the 2018-2019 Indoor State Open Championship held on February 16, 2019. Specifically, Parent 3 stated that School A2 earned the highest number of points due to the participation of Student A, who earned 20 points for the team by herself. Parent 3 alleged that, but for Student A's participation, School 1 would have won the state title. Specifically, Parent 3 asserted that School A2 was only able to win because Student A placed first in two separate events, earning School A2's team 20 of its total 54 points. Parent 3 also noted that Student A participated on the 4 x 400 relay, which earned the school 8 points for second place. Parent 3 acknowledged in his email that it was possible that School A2 still would have placed 2nd in the 4 x 400 relay, even if another athlete had run in Student A's place.⁴³

In an email dated February 25, 2019, to School 1 administrators and the CIAC Executive Director, among others, Parent 4 questioned the inclusion of transgender athletes' competitive times in results, which he argued affected all of the other athletes competing. Parent 4 further stated that recognizing the transgender athletes' results insulted the “current cisgender record holder who has worked hard and competed fairly.” Parent 4 also asserted that the potential to compete for a college scholarship was at stake because the participation of transgender athletes resulted in other athletes not being able to compete at the New England Regionals, expand their résumés, and gain additional exposure to college recruiters and coaches. Parent 4 alleged that the CIAC was violating its own rules by allowing transgender athletes to compete; and asked that the results of the State Open Championship be recalculated, and points redistributed, and that the Revised Transgender Participation Policy be changed for the outdoor 2019 season. Parent 4 also suggested potential solutions to continue to allow transgender athletes to compete but change the competitive categories or “which scores count.”

⁴³ Parent 3 further asked that the CIAC adopt the NCAA and IOC policy, whereby a transgender athlete must undergo hormone treatment for one year before being able to compete; allow transgender athletes to run in events as exhibition participants where their results do not count; or “another fair and safe solution.”

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In an email dated March 3, 2019, to School 1 administrators and the CIAC Executive Director, among others, Parent 3 followed up on his original request that the Revised Transgender Participation Policy be revised. Parent 3 alleged that the policy prevented deserving girls from qualifying for the New England Regionals. For example, Parent 3 stated that at the New England Regionals on March 2, 2019, a Bloomfield transgender athlete (Student A) placed first in the 55-meter and 300-meter dash events. He also stated that by participating in the 4 x 400-meter relay event, Student A provided Bloomfield with a .06 second lead over Glastonbury in the final results.

In an email dated March 5, 2019, to School 1 administrators and the CIAC Executive Director, among others, Parent 4 stated that no other states at the New England Regionals had transgender student-athletes participating, and many people “expressed surprise and concern that their cisgender girls were forced to compete against transgender girls.” In another email dated March 5, 2019, to School 1 administrators, Parent 4 requested a meeting to review the current policy regarding transgender athletes and its impact on competitive fairness; and alleged that “cisgender girls are being deprived of fair and equal opportunity.”

In an email dated March 7, 2019, to the District Superintendent, a parent (Parent 5) stated her opinion that the CIAC should adopt NCAA standards regarding transgender participation. In an email dated March 10, 2019, to School 1 administrators and the CIAC Executive Director, Parent 3 advised that the National Scholastic Athletic Foundation (NSAF), which hosts the national championships, had released statements regarding its transgender policy, which required athletes to take gender affirming hormones. Parent 3 then stated that at the New England Regionals on March 2, 2019, Bloomfield beat Glastonbury in the 4 x 400 relay with Student A participating on Bloomfield's team. He then noted that at the New Balance National championships held over March 8-10, 2019, Glastonbury's 4 x 400 relay team came in 14th in the nation, while Bloomfield's came in 34th, running without Student A.

On March 15, 2019, Parent 2 and the Parent 4 met with the Athletic Director and the Principal. The Principal stated that Parent 2 wanted School 1 to put forth a request for the CIAC to change its policy, and she communicated to them that the school was comfortable with the CIAC's following the state law and was not willing to ask the CIAC to change their policy. The Athletic Director did not recall that Parent 2 and Parent 4 raised any specific concerns about the policy, other than that the policy set up an uneven playing field. The Athletic Director stated that it was difficult to keep Parent 2 focused on what was Parent 2's real issue, as Parent 2 had started talking about separate math classes. The Athletic Director stated that she did not leave the meeting with any clear understanding of what Parent 2 was saying. She noted that Parent 2 and Parent 4 also wanted to show them photos of other non-district students, which they refused to discuss due to Family and Educational Rights and Privacy Act of 1974 (FERPA). In an email dated March 18, 2019, following their meeting, Parent 2 summarized her continued concerns that the transgender policy may violate Title IX; included information from her state legislative office that there is no law to be changed and that any changes would be the responsibility of the CIAC and member schools; and provided examples of contradictions within the CIAC policies, relative to co-ed teams.

On March 18, 2019, Parent 3 requested a meeting with administrators at School 1 to discuss the transgender policy. In an email dated March 25, 2019, to School 1 administrators, Parent 3 stated

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that he learned that the CIAC had sent out a survey to member schools regarding the transgender policy. He included links to resources in his email and urged School 1 not to just “rubber stamp” the policy. In response to his request, on April 2, 2019, the principal and School 1’s Athletic Director met with Parent 3. Both the principal and Athletic Director described the meeting as lasting thirty minutes, per Parent 3’s request. The Athletic Director stated that, during the meeting, Parent 3 discussed biological differences and the challenges female athletes face, and what could happen when transgender athletes participate in other sports. The principal stated that Parent 3 was focused on the safety of his child with allowing a transgender student to participate in track. The principal stated that she communicated to Parent 3 that the district was not looking at asking the CIAC to change the transgender policy. On April 2, 2019, Parent 3 emailed the principal and Athletic Director thanking them for meeting with him; he emphasized two points relative to the fairness of the policy and the implications if an elite transgender athlete were ever to participate. He also included resources related to Oregon’s policy, as well an NSAF’s press release regarding transgender participation.

In an email dated April 12, 2019, to the District Director of Health and Physical Education, K-12 (the Director), Parent 2 acknowledged their recent conversation regarding Title IX; asked the Director for clarification regarding why the principal, as a voting CIAC member, could set different athletic expectations for girls and boys teams and questioned why that did not violate Title IX. Parent 2 also questioned why the CIAC had separate competitions for boys and girls if the CIAC’s purpose was just participation, and whether the concept of gender fluidity would satisfy Title IX when there was no distinction between the sexes.

Canton:

Canton advised OCR that it was required to comply with the CIAC’s Revised Transgender Participation Policy because the CIAC is the governing body for interscholastic athletics. Canton also noted that the Revised Transgender Participation Policy follows state law. Canton reported that it does not currently have any transgender students of which it is aware participating in its athletics program, nor has it challenged the CIAC’s Revised Transgender Participation Policy.

Danbury:

Danbury stated that it was required to follow the Revised Transgender Participation Policy because the CIAC is the governing body of athletics for the state and it is required to follow all of the CIAC rules, regulations, and policies. Danbury reported that it does not currently have any transgender students of which it is aware participating in its athletics program. Danbury stated that it has not expressed concerns about the policy to the CIAC.

Hartford (School A1):

Student A was a 10th grade student who participated on School A1’s athletics program during school year 2017-2018.⁴⁴ During the indoor track season of school year 2017-2018, Student A

⁴⁴ During school year 2017-2018, Student A attended another school in Hartford that does not have a sports program; as a result, Student A participated in athletics through School A1’s program.

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was a student-athlete on School A1's boys' indoor track team. During the outdoor track season of school year 2017-2018, Student A was a student-athlete on School A1's girls' outdoor track team. School A1 staff stated that as a CIAC member, School A1 is required to follow the CIAC policy and is also required to follow state law.

Bloomfield:

Student A was enrolled in School A2 in Bloomfield as an 11th grade student during school year 2018-2019. Bloomfield stated that as a member of the CIAC, it is required to follow the CIAC rules regarding participation, eligibility, and other matters, including the Revised Transgender Participation Policy.⁴⁵ Bloomfield denied that Student A's participation has had a negative impact on other female students in the district, as Bloomfield does not cut any students from the girls' indoor or outdoor track teams; therefore, anyone who wishes to participate can. Bloomfield staff opined that while a student may have lost to a transgender student, overall, everyone's performance has benefited from the participation of Student A; and that participation in athletics is not about winning.

Cromwell:

Student B was enrolled in School B in Cromwell as a 10th grade student during school year 2017-2018, and as an 11th grade student during school year 2018-2019. During school years 2017-2018 and 2018-2019, Student B was a student-athlete on School B's varsity girls' indoor and outdoor track teams.

Cromwell stated that it has one transgender student (Student B) participating in its interscholastic athletics program, and noted that Student B's records since her enrollment at School B in school year 2016-2017 have indicated that she was female; accordingly, Student B was placed on female rosters. Cromwell staff stated that they are required to follow the Revised Transgender Participation Policy as it is set by the CIAC, which is their governing body. Cromwell staff stated that none of their district students have been affected negatively by Student B's participation.

Legal Standards

Subpart D of the regulation implementing Title IX prohibits discrimination on the basis of sex in education programs and activities. 34 C.F.R. § 106.31(b)(7) of Subpart D states that in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex, limit any person in the enjoyment of any right, privilege, advantage, or opportunity. 34 C.F.R. § 106.41 of Subpart D specifically applies to athletics. The regulation implementing Title IX, at 34 C.F.R. § 106.41(a), states that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against, in

⁴⁵ Bloomfield denied that it has received any requests from students to participate in its interscholastic athletics program pursuant to the Revised Transgender Participation Policy. Bloomfield stated that it currently has a transgender student participating on its girls track team (Student A), but noted that the student registered and enrolled at School A2 as a female, i.e., the student's school records indicated that she was female; therefore, Bloomfield was not required to make any determinations pursuant to the policy.

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any interscholastic athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis. The regulation implementing Title IX, at 34 C.F.R. § 106.41(b), states that, notwithstanding the requirements of 34 C.F.R. § 106.41(a), a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.⁴⁶ The regulation implementing Title IX, at 34 C.F.R. § 106.6(c), states that the obligation to comply with the regulation is not obviated or alleviated by any rule or regulation of any athletic or other league, which would render any student ineligible to participate or limit the eligibility or participation of any student, on the basis of sex, in any education program or activity operated by a recipient.⁴⁷

The Supreme Court's holding in *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731 (2020), does not alter the relevant legal standard under 34 C.F.R. § 106.41, or how that provision interacts with 34 C.F.R. § 106.31 or 34 C.F.R. § 106.6. In *Bostock*, the U.S. Supreme Court held that an employer violated Title VII of the Civil Rights Act of 1964 by terminating a transgender employee on the basis of their transgender status. *See Bostock*, 140 S. Ct. at 1743 (“For an employer to discriminate against employees for being homosexual or transgender, the employer must intentionally discriminate against individual men and women in part because of sex.”). However, the Court expressly declined to decide questions about how its interpretation of Title VII would affect other statutes:

The employers worry that our decision will sweep beyond Title VII to other federal or state laws that prohibit sex discrimination. And, under Title VII itself, they say sex-segregated bathrooms, locker rooms, and dress codes will prove unsustainable after our decision today. But none of these other laws are before us; we have not had the benefit of adversarial testing about the meaning of their terms, and we do not prejudge any such question today.

Id. at 1753. Indeed, the Court clearly stated that the “only question before [it] is whether an employer who fires someone simply for being homosexual or transgender has discharged or otherwise discriminated against that individual ‘because of such individual’s sex.’” *Id.*

The Court's holding was consistent with the position of the transgender employee who filed suit in a companion case to *Bostock*—*R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC*, 140 S. Ct. 1731 (2020). During oral argument before the U.S. Supreme Court, the employee's counsel conceded that the outcome of the case was not relevant, one way or another, to the question of whether a recipient's willingness to allow a biological male who identified as a transgender female to compete against biological females constituted a violation under Title IX:

⁴⁶ Where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. 34 C.F.R. § 106.41(b).

⁴⁷ OCR understands that the CIAC and the individual school districts maintain that the Revised Transgender Participation Policy is consistent with, and required by, Connecticut state law. OCR takes no view on the requirements of Connecticut law except to note that the duty to comply with Title IX and its implementing regulation is independent of any such requirements.

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JUSTICE GINSBURG: [T]his is a question of someone who has transitioned from male to female ... and wants to play on the female team. She is not questioning separate female/male teams. But she was born a man. *She has transitioned. She wants to play on the female team. Does it violate Title IX which prohibits gender-based discrimination?*

MR. COLE: Right. And I think *the question again would not be affected even by the way that the Court decides this case*, because the question would be, is it permissible to have sex-segregated teams, yes, where they involve competitive skill or – or contact sports, and then the question would be, how do you apply that permissible sex segregation to a transgender individual?

Oral Arg. Tr., *R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC*, No. 18-107, at 17-18, available at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2019/18-107_c18e.pdf. (emphasis added). After reviewing *Bostock*, the Office for Civil Rights concurs with counsel for the employee's concession in *R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC*, that the *Bostock* holding does not alter the legal authority for sex-segregated teams under Title IX. Even if *Bostock* applied to Title IX—a question the Supreme Court expressly declined to address—its reasoning would only confirm that Title IX does not permit a biologically male student to compete against females on a sex-segregated team or in a sex-segregated league.

As an initial matter, despite some similarities, Title IX differs from Title VII in important respects. Title IX has different operative text, is subject to different statutory exceptions, and is rooted in a different Congressional power. See *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 275, 286-87 (1998). Significantly, unlike Title VII, one of Title IX's crucial purposes is protecting women's and girls' athletic opportunities. Indeed, Title IX was passed, and implemented by regulations, to prohibit discrimination on the basis of sex in education programs and activities and to protect equal athletic opportunity for students who are biological females, including providing for sex-segregated athletics. Congress specifically mandated that the Department of Education consider promulgating regulations to address sports. After first enacting Title IX, Congress subsequently passed another statute, entitled the Javits Amendment, which instructed the Secretary of Education to publish regulations "implementing the provisions of Title IX . . . which shall include with respect to intercollegiate activities reasonable provisions considering the nature of the particular sports." Public Law 93-380 (HR 69), Section 844, 88 Stat 484 (August 21, 1974). Congress indicated in the same bill that following the publication of those regulations, Congress itself would review the regulations and determine whether they were "inconsistent with the Act from which [they] derive[] [their] authority." *Id.*

Pursuant to the Javits Amendment, the Secretary of Health, Education, and Welfare subsequently published Title IX regulations, including regulatory text identical to the current text of the athletics regulations. After Congressional review over six days of hearings, Congress ultimately allowed the regulations to go into effect, consistent with its prior statement that Congress itself would review the regulations to ensure consistency with Title IX. See *McCormick ex rel. McCormick v. Sch. Dist. of Mamaroneck*, 370 F.3d 275, 287 (2d Cir. 2004) (laying out the history of the Javits Amendment, and the response from Congress to the regulations promulgated thereunder). In doing so, Congress deemed the Department's athletics regulations to be consistent with Title IX.

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The Department's regulations validly clarify the scope of a recipient's non-discrimination duties under Title IX in the case of sex-specific athletic teams. *See Cohen v. Brown Univ.*, 991 F.2d 888, 895 (1st Cir. 1993) (“The degree of deference [to the Department of Education] is particularly high in Title IX cases because Congress explicitly delegated to the agency the task of prescribing standards for athletic programs under Title IX.”). Specifically, although the Department's regulations have long generally prohibited schools from “provid[ing] any athletics separately” on the basis of sex, they permit schools to “operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.” 34 C.F.R. § 106.41(a), (b). In those circumstances, men and women are not similarly situated because of their physiological differences, and separating them based on sex is accordingly not prohibited by Title IX. *See Bostock*, 140 S. Ct. at 1740 (“To ‘discriminate against’ a person, then, would seem to mean treating that individual worse than others who are similarly situated.”). Thus, schools may offer separate-sex teams. Indeed, such separate-sex teams have long ensured that female student athletes are afforded an equal opportunity to participate. 34 C.F.R. § 106.41(c)(1). Those regulations authorize single-sex teams because physiological differences are relevant.

Even assuming that the Court's reasoning in *Bostock* applies to Title IX—a question the Court expressly did not decide—the Court's opinion in *Bostock* would not affect the Department's position that its regulations authorize single-sex teams under the terms of 34 C.F.R. § 106.41(b). The *Bostock* decision states, “An individual's homosexuality or transgender status is not relevant to employment decisions” because an employee's sex is not relevant to employment decisions, and “[se]x plays a necessary and undisguisable role in the decision” to fire an employee because of the employee's homosexual or transgender status. *Bostock*, 140 S. Ct. at 1741, 1737. Conversely, however, there are circumstances in which a person's sex *is* relevant, and distinctions based on the two sexes in such circumstances are permissible because the sexes are not similarly situated. Congress recognized as much in Title IX itself when it provided that nothing in the statute should be construed to prohibit “separate living facilities for the different sexes.” *See, e.g.*, 20 U.S.C. § 1686; *see also* 34 C.F.R. § 106.32(b) (permitting schools to provide “separate housing on the basis of sex” as long as housing is “[p]roportionate” and “comparable”); 34 C.F.R. § 106.33 (permitting “separate toilet, locker room, and shower facilities on the basis of sex,” so long as the facilities “provided for students of one sex shall be comparable to such facilities provided for students of the other sex”).

The Court's opinion in *Bostock* also does not affect the Department's position that its regulations authorize single-sex teams based only on biological sex at birth—male or female—as opposed to a person's gender identity. The Court states that its ruling is based on the “assumption” that sex is defined by reference to biological sex, and its ruling in fact rests on that assumption. *See Bostock*, 140 S. Ct. at 1741 (“[T]ake an employer who fires a transgender person who was identified as a male at birth but who now identifies as a female. If the employer retains an otherwise identical employee who was identified as female at birth, the employer intentionally penalizes a person identified as male at birth for traits or actions that it tolerates in an employee identified as female at birth.”). The logic that an employer must treat males and females as similarly situated comparators for Title VII purposes necessarily relies on the premise that there are two sexes, and that the biological sex of the individual employee is necessary to determine whether discrimination because of sex occurred. Where separating students based on sex is

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permissible—for example, with respect to sex-specific sports teams—such separation must be based on biological sex.

Additionally, if *Bostock*'s reasoning under Title VII were applied to policies regarding single-sex sports teams under Title IX, it would confirm that the Department's regulations authorize single-sex teams only based on biological sex. In *Bostock*, the Court took the position that "homosexuality and transgender status are inextricably bound up with sex," such that "when an employer fires an employee for being homosexual or transgender, it necessarily and intentionally discriminates against that individual in part because of sex." *See id.* at 1742, 1744. Under that logic, special exceptions from single-sex sports teams based on homosexuality or transgender status would themselves generally constitute unlawful sex discrimination, because homosexuality and transgender status are not physiological differences relevant to the separation of sports teams based on sex. In other words, if *Bostock* applies, it would require that a male student-athlete who identifies as female not be treated better or worse than other male student-athletes. If the school offers separate-sex teams, the male student-athlete who identifies as female must play on the male team, just like any other male student-athlete. For all of these reasons, the Department continues to interpret 34 C.F.R. § 106.41(b), regarding operation of athletic teams "for members of *each sex*" (emphasis added), to mean operation of teams for biological males, and for biological females, and does not interpret Title IX to authorize separate teams based on each person's transgender status, or for members of each gender identity. When a recipient provides "separate teams for members of each sex" under 34 C.F.R. § 106.41(b), the recipient must separate those teams on the basis of biological sex, and not on the basis of homosexual or transgender status.

The holding in *Bostock* addressed the context of an employment situation in which a distinction based on sex was prohibited and not permitted under Title VII. The *Bostock* holding does not alter the legal authority for single-sex athletic teams under Title IX because Title IX and its implementing regulations permit certain distinctions based on sex under 34 C.F.R. 106.41(b). The Office for Civil Rights therefore issues this Revised Letter of Impending Enforcement Action to clarify that it will continue to proceed with bringing the recipients in this matter into compliance with Title IX.

Analysis and Conclusions

The Complainant alleged that the CIAC's Revised Transgender Participation Policy discriminated against female student-athletes competing in interscholastic girls' track in the state of Connecticut on the basis of their sex. Specifically, the Complainant alleged that as a result of the CIAC's Revised Transgender Participation Policy, Students A and B were permitted to compete in girls' track athletic competitions, which resulted in female student-athletes being denied the benefits of an education program or activity and the opportunities to participate in higher level and/or post-season competitions.

The CIAC:

OCR determined that the CIAC, by purporting to provide sex-segregated teams under 34 C.F.R. § 106.41(b) yet permitting the participation of biologically male students in girls' interscholastic track in the state of Connecticut, pursuant to the Revised Transgender Participation Policy, denied

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female student-athletes benefits and opportunities, including to advance to the finals in events; to advance to higher level competitions, such as the State Open Championship or the New England Regional Championship; to win individual and team state championships, along with the benefit of receiving medals for these events; to place higher in any of the above events; to receive awards and other recognition; and possibly to obtain greater visibility to colleges and other benefits. For these same reasons, OCR also determined that the CIAC treated students differently based on sex, by denying opportunities and benefits to female student-athletes that were available to male student-athletes, including the opportunity to compete on and against teams comprised of members of one sex. Indeed, CIAC also treated male student-athletes whose gender identity does not align with their sex more favorably than other male student-athletes, by affording them the opportunity to compete on and against teams comprised of members of the opposite sex.

With respect to the three student-athletes on whose behalf the complaint was filed (Student 1, Student 2, and Student 3), Student A's and Student B's 1st and 2nd place finishes, respectively, in the preliminaries of the 2018-2019 Indoor State Open Championship for the 55-meter dash, denied Student 1, who placed 8th, the opportunity of advancing to the finals in this event, since only the top 7 finishers advanced to the finals. Student A's and Student B's participation in girls' interscholastic track in the state of Connecticut, pursuant to the Revised Transgender Participation Policy had the most significant impact on Student 2. Specifically, Student A's 1st place finish, in the finals of the 2018-2019 Outdoor Class S Statewide Championship for the 100-meter dash and the 200-meter dash, denied Student 2, who placed 2nd in both events, the benefit of a 1st place finish; and Student A's and Student B's 1st and 2nd place finishes, in the 2018-2019 Indoor State Open Championship for the 55-meter dash, denied an opportunity for Student 2, who placed 3rd, to place 1st in the event and receive the benefit of a 1st place medal. Denying a female student a chance to win a championship due to the lack of opportunity to compete on and against teams comprised solely of members of one sex, is inconsistent with Title IX's mandate of equal opportunity for both sexes.⁴⁸ Accordingly, OCR determined that the CIAC denied athletic benefits and opportunities to female student-athletes competing in interscholastic girls' track in the state of Connecticut through the Revised Transgender Participation Policy, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). OCR also has concerns that additional violations may have resulted from the Policy and from Student A's and B's participation in girls' track, including but not limited to losses or lowered placement in regular season meets; losses or lowered placement in conference championships; and an inability for some female student-athletes to participate generally in a race at any level (not just championship level).

With respect to the Team Championships for the 2018-2019 Indoor State Open Championship, absent Student A's participation, School A2 earned 26 points in 4 different events. Adding the 8 points for the 4 x 200 relay, in which School A2 may have placed and earned points even without Student A, School A2 would have earned 34 points, behind School 1, which had 39 points. Subtracting the 8 relay points would have also placed School A behind School 3. Thus, Student A's participation may have denied School 1 and its female student-athletes the benefit of a team

⁴⁸ See *McCormick v. School District of Mamaroneck*, 370 F.3d 275, 294-95 (2d Cir. 2004) (“A primary purpose of competitive athletics is to strive to be the best. . . . Treating girls differently regarding a matter so fundamental to the experience of sports—the chance to be champions—is inconsistent with Title IX’s mandate of equal opportunity for both sexes.”).

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championship, and may have denied School 3, and other schools, the benefit of a higher placement.⁴⁹

Glastonbury:

OCR determined that the participation of Glastonbury in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 1, and other female student-athletes competing against Students A and B, denied athletic benefits and opportunities to Student 1 and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Further, Glastonbury is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Glastonbury placed female student-athletes in athletic events against male student-athletes, resulting in competitive disadvantages for female student-athletes. The athletic events in which the female student-athletes competed were coeducational; female student athletes were denied the opportunity to compete in events that were exclusively female, whereas male students were able to compete in events that were exclusively male. Accordingly, the districts' participation in the athletic events sponsored by the CIAC denied female student-athletes athletic opportunities that were provided to male student-athletes. Glastonbury's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R § 106.6(c).

The participation of Glastonbury in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 1, and other female student-athletes competing against Students A and B, denied Student 1 the opportunity to place higher in events, such as the 100-meter dash at the 2017-2018 Outdoor State Championship and New England Regional Championship; the 55-meter dash at the 2018-2019 Indoor CCC Regional Championship; and the 200-meter dash at the 2018-2019 Outdoor State Championship. Student A's and Student B's 1st and 2nd place finishes, respectively, in the preliminaries of the 2018-2019 Indoor State Open Championship for the 55-meter dash, denied Student 1, who placed 8th, the opportunity of advancing to the final in this event, since only the top 7 finishers advanced to the finals.

Canton:

OCR determined that the participation of Canton in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 2, and other female student-athletes, competing against Students A and B, denied athletic benefits and opportunities to Student 2, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. Section 106.41(a). Further, Canton is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Canton placed female student-athletes in athletic events against male student-athletes, resulting in competitive disadvantages for female student-athletes. The athletic events in which the female student-athletes competed were

⁴⁹ With respect to the 2018-2019 Outdoor State Open Championships, held on June 3, 2019. The top five finishers were as follows: School 3: 58 points; Windsor: 43 points; School A2: 38 points; Norwich Free Academy: 32 points; Immaculate: 30 points. Student A's participation earned school A2 an additional 10 to 20 points and a third-place finish when School A2 might otherwise have finished no better than 5th.

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coeducational; female student athletes were denied the opportunity to compete in events that were exclusively female, whereas male students were able to compete in events that were exclusively male. Accordingly, the districts' participation in the athletic events sponsored by the CIAC denied female student-athletes athletic opportunities that were provided to male student-athletes. Canton's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R § 106.6(c).

The participation of Canton in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 2, and other female student-athletes competing against Students A and B, denied Student 2 the opportunity to place higher in events, such as the Class S Outdoor Championships; the Indoor and Outdoor State Open Championships; and the New England Regional Championships. Specifically, Student A's and Student B's 1st and 2nd place finishes respectively, in the 2018-2019 Indoor State Open Championship for the 55-meter dash, denied an opportunity for Student 2, who placed 3rd, to place 1st in the event and receive the benefit of a 1st place medal. Student A's 1st place finish, in the finals of the 2018-2019 Outdoor Class S Statewide Championship for the 100-meter dash and the 200-meter dash, denied Student 2, who placed 2nd in both events, the benefit of a 1st place finish. Student A's 1st place finish in the finals of the State Open Championship in the 200-meter dash denied Student 2, who finished 4th, the benefit of a top-three finish.

Danbury:

OCR determined that the participation of Danbury in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 3, and other female student-athletes, competing against Students A and B, denied athletic benefits and opportunities to Student 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. Section 106.41(a). Further, Danbury is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Danbury placed female student-athletes in athletic events against male student-athletes, resulting in competitive disadvantages for female student-athletes. The athletic events in which the female student-athletes competed were coeducational; female student athletes were denied the opportunity to compete in events that were exclusively female, whereas male students were able to compete in events that were exclusively male. Accordingly, the districts' participation in the athletic events sponsored by the CIAC denied female student-athletes athletic opportunities that were provided to male student-athletes. Danbury's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R § 106.6(c).

The participation of Danbury in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student 3, and other female student-athletes competing against Students A and B, denied Student 3 the opportunity to place higher in events, such as at the Outdoor State Open Championships and the New England Regional Championships. Specifically, Student A's 1st place finish in the finals of the State Open Championship in the 200-meter dash denied Student 3, who finished 3rd, the benefit of placing 2nd in the event; and Student A's 1st place finish in the finals of the 200-meter dash at the Outdoor New England Regional Championships denied Student 3, who finished 3rd the benefit of placing 2nd in the event.

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Hartford (School A1):

Student A participated in girls' outdoor track on School A1's team in Hartford during school year 2017-2018. OCR determined that the participation of School A1 in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student A's participating in events against Students 1, 2, and 3, and against other female student-athletes, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Further, Hartford is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Hartford's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R. § 106.6(c).

Bloomfield:

Student A participated in girls' indoor and outdoor track for Bloomfield during school year 2018-2019. OCR determined that the participation of Bloomfield in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student A's participating in events against Students 1, 2, and 3, and against other female student-athletes, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. Section 106.41(a). Further, Bloomfield is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Bloomfield's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R. § 106.6(c).

Cromwell:

Student B participated in girls' indoor and outdoor track for Cromwell during school years 2017-2018 and 2018-2019. OCR determined that the participation of Cromwell in athletic events sponsored by the CIAC, consistent with the CIAC's Revised Transgender Participation Policy, which resulted in Student B's participating in events against Students 1, 2, and 3, and against other female student-athletes, denied athletic benefits and opportunities to Students 1, 2, and 3, and other female student-athletes, in violation of the regulation implementing Title IX, at 34 C.F.R. § 106.41(a). Further, Cromwell is not providing separate teams for each sex as permitted under 34 C.F.R. § 106.41(b). Cromwell's obligation to comply with the regulation implementing Title IX is not obviated or alleviated by any rule or regulation of the CIAC. 34 C.F.R. § 106.6(c).

For the aforementioned reasons, OCR also determined that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury treated student-athletes differently based on sex, by denying opportunities and benefits to female student-athletes that were available to male student-athletes.

II. RETALIATION

The Complainant also alleged that (1) the CIAC retaliated against Parent 1, after Parent 1 complained about the Revised Transgender Participation Policy, by informing Parent 1, in March

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2019, that the CIAC's Executive Director would no longer accept communications from her; and (2) that Glastonbury's track coach retaliated against Student 1, for her and Parent 2's advocacy against the Revised Transgender Participation Policy, by (a) replacing Student 1 on the sprint medley relay team in February 2019; (b) telling Student 1 and her parents that he could not give a good report to college coaches about her in March and May 2019; (c) denying Student 1 a position as a team captain in March 2019; and (d) suggesting that Student 1 should leave the outdoor track team due to her schedule, in March and May 2019.

Findings of Fact

1. Allegation Regarding the CIAC's Retaliation

OCR determined that the CIAC Handbook in effect during school year 2018-2019 sets forth the CIAC's "Communication Protocol Rules, Regulations and Interpretations" (Communication Protocol). According to the Communication Protocol, the CIAC Board of Control is the official body charged with the responsibility of interpreting the CIAC's rules and regulations. The Communication Protocol provides, in pertinent part, that "[i]nquiries to the CIAC office from parents, student-athletes, coaches and the public requesting an interpretation of the rules and regulations will be referred back to the member school principal or his/her designee." In addition, Section 4.21 of the CIAC Handbook, "Regulation Interpretation/CIAC Protocol in Providing Decisions to School Personnel and Public (Effective July 1, 2006)," provides, in pertinent part, "The CIAC staff will not discuss CIAC rules and regulations with anyone other than school administrators and athletic directors. Telephone inquiries from parents and coaches will not be honored. **All calls from anyone other than the athletic director or school administrator will be referred back to the school.**" (Emphasis in original.)

OCR determined that Parent 1 initially contacted the CIAC about the policy when she sent a letter dated February 21, 2018, to the CIAC's former Executive Director, in which she requested that the CIAC establish a rule to address transgender athletes' participating in the girls' state championship track competitions. In an email dated March 10, 2018, the former Executive Director responded by acknowledging that issues surrounding transgender student-athlete participation are complicated; advising Parent 1 that the CIAC's policy is directly aligned with state anti-discrimination law, including the state's definition of gender to include gender identity; and reminding Parent 1 that most high school athletes are minors and are therefore afforded a unique level of legal protection regarding their right to privacy.

On January 24, 2019, Parent 1 sent an email to the CIAC's current Executive Director, attaching a letter in which she again requested that the CIAC establish a rule for transgender athletes' participating in state championship track competitions and setting forth her own proposal for the placement and scoring of transgender female athletes participating in state championships.⁵⁰ The

⁵⁰ Specifically, Parent 1 proposed the following: "Male-to-female transgender athletes who have not yet undergone hormone therapy should compete as exhibition athletes, with results not included for scoring and placing. This would ensure that the needs of both of these protected classes are met. The transgender athletes would still be able to **participate** on the team in which they identify and the female-born athletes would be afforded the opportunity to **compete** in a race that is not clouded by questions of unfair advantage." (Emphasis in original.)

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Executive Director responded by email the same day, advising Parent 1 that the appropriate process for addressing her proposal would be to speak with the athletic director or principal at her child's school, as policy or rule proposals "may be submitted through member leagues, sport committees, member principals, [the Connecticut Association of Athletic Directors], or the Connecticut High School Coaches Association." Parent 1 replied to the director's email that same day, January 24, 2019, stating that she would follow up with the principal and athletic director at her child's school to see if they would be willing to submit her proposal.

OCR determined that on February 1, 2019, the principal and the Executive Director spoke by telephone, regarding Parent 1's letter and proposal. The Executive Director memorialized the call in an email to the principal that same day, in which he stated that the CIAC would be convening a gender subcommittee meeting on February 7, 2019, with the task of reviewing all the CIAC bylaws, processes, procedures in which gender plays a role, including the Revised Transgender Participation Policy; and that he would share a redacted copy of Parent 1's letter with the subcommittee members, in order "to provide all points of view to ensure a rich discussion among committee members."

OCR determined that in response to Parent 1's request, made through her building principal, for an in-person meeting with a CIAC representative, the Executive Director attended a meeting at the school with Parent 1 and the principal on February 28, 2019. The Executive Director stated that, at the meeting, he explained to Parent 1 why the CIAC believed that the Revised Transgender Participation Policy was in alignment with Title IX and Connecticut state law, and advised Parent 1 that he believed that Title IX did not apply to the parent's concerns because Title IX does not address winning. Following the meeting, that same day, Parent 1 sent an email to the Executive Director, in which she thanked him for visiting the school and wrote that "[i]t was helpful to hear from you directly regarding the transgender policy and to understand what the CIAC process will be for reviewing this issue."

OCR determined that on March 28, 2019, Parent 1 sent an email to the Executive Director, in which she attached a letter and included links to several websites concerning issues related to the Revised Transgender Participation Policy. The Executive Director responded by email that same day, stating that he had read her email, and cordially reminded her that any further correspondence to the CIAC should come through her principal. The Complainant did not provide, nor did OCR find, evidence of any further communications between Parent 1 and the Executive Director.

The Executive Director denied that he banned Parent 1 from sending communications to him. Rather, the Executive Director stated that he treated Parent 1 in a manner consistent with how he treated other individuals in similar situations, by reminding her of the CIAC's policy that communications must go through the member school's representative. OCR determined that the Executive Director has responded in a similar manner to other parents who sought to communicate directly with him in a similar fashion. OCR determined that none of the similarly situated parents had engaged in protected activities.

2. Allegations Regarding Glastonbury Track Coach Retaliation

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The Complainant also alleged that a Glastonbury track coach retaliated against Student 1, for her and Parent 2's advocacy against the Revised Transgender Participation Policy, by (a) replacing Student 1 on the sprint medley relay team in February 2019; (b) telling Student 1 and her parents that he could not give a good report to college coaches about her in March and May 2019; (c) denying Student 1 a position as a team captain in March 2019; and (d) suggesting that Student 1 should leave the outdoor track team due to her schedule, in March and May 2019.

Allegation (a):

OCR determined that a team made up of students from Glastonbury's girls' indoor track team competed at the 2019 New Balance Nationals Track and Field championships ("Nationals"). The track coach stated that the meet is not a CIAC or school-sanctioned meet; therefore, any student who participates does so on an individual basis, not on behalf of Glastonbury. The track coach stated that, accordingly, the Glastonbury coaches do not choose who may attend the meet or choose which athletes will participate in which events. Rather, the individual students choose, on their own, whether to compete in the meet, and who will compete in the events, including relays. The track coach further stated that it was his understanding that Student 1 was not selected to run in a relay at the meet, but he denied that he played a role in this decision. He further stated that his understanding was that the other athletes decided that Student 1 would not compete in the relay, but he did not know why they had made that decision.

Student 1 confirmed that it is each individual student-athlete's decision whether to attend Nationals, if she qualifies; however, she stated that for relay events, a track coach was responsible for signing up the various teams. Parent 2 indicated that this is to prevent students from different schools entering themselves as a single "power team." Student 1 stated that although she had a qualifying time for the sprint medley relay in December 2018,⁵¹ she was not asked to join the sprint medley relay team for Nationals in March 2019. Student 1 stated that, during the regular season, coaches pick the best athletes that are capable of running times that they would like to see for an overall split in the event, but that she was not fully aware of how the coaches make those determinations. Student 1 acknowledged that she was not sure which coach picked the sprint medley relay team for Nationals, but she assumed that a coach picked the team because that was what was done for all other meets during the season.

Allegation (b):

The Complainant stated that at the first practice of the outdoor season on March 16, 2019, the track coach told Parent 4 that he had nothing good to say about Student 1 to a college coach; and on or about May 1, 2019, the track coach told Student 1 that he could not give a good report of her to college coaches.

The track coach denied that he told either Student 1 or her parents that he could not give a good report to college coaches about Student 1. The track coach stated that it is his practice to be completely honest with college coaches, to ensure that college coaches continue to trust and rely

⁵¹ The records Glastonbury provided indicate that Student 1 participated on a sprint medley relay team during a meet held on December 22, 2018.

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on his recommendations of athletes. The track coach stated that because of this, on or about March 16, 2019, in the course of a discussion with Parent 4 about the Student 1's workouts and her college future, he told Parent 4 that he is "100% honest with a college coach when asked any questions about any of the athletes."⁵² The track coach stated that he had also told Student 1 that he would be 100% honest with college coaches, although he did not recall the date of this conversation or the specific context in which the subject was raised. The track coach also advised OCR that Student 1 has not requested that he give a recommendation or report to any college coach on her behalf, nor has any college coach requested information about Student 1.

Student 1 denied that the track coach told her that he would be honest with any college coaches, and instead maintained that the track coach told her, and Parent 4, that he did not have anything good to say about her and could not give a good report about her. Student 1 stated that the track coach made this statement to her one day when she was letting him know that she was leaving practice for work. Student 1 confirmed that she has not asked the track coach to speak with any coaches on her behalf.

Allegation (c):

The Complainant stated that the track coach told Student 1 that he did not select her as team captain because she departed early from practice on Fridays for work, despite her having served as team captain during the indoor season and not receiving any complaints about her as a captain. The track coach stated that students who wish to be considered for a team captain position are required to submit a written statement concerning their interest at the beginning of each season, indoor and outdoor. All of the coaches then select the team captains as a group. If there are any disagreements among the coaches, the track coach makes the final decision regarding the selection. The track coach stated that the qualifications for team captain are hard work, dedication, leadership, sportsmanship, and appropriately representing the high school. The track coach stated that the number of captains for the team typically ranges from three to seven for each season, depending on the size of the team and the number of qualified athletes who apply.

The track coach stated that in December 2018, Student 1 was selected as a captain for the indoor season 2018-2019; but that the decision was not unanimous because at least two coaches questioned Student 1's qualifications for a captain position, stating that they believed that she had not shown enough leadership, dedication and maturity.⁵³ The track coach stated that despite the concerns raised by other coaches, he chose Student 1 to be a captain for that season because he had observed her helping new athletes on the team and he believed that she would step up to the challenge.

The track coach stated that in March 2019, Student 1 applied to be a captain for the outdoor season 2018-2019. He stated that after speaking with all of the coaches, it was unanimous that they would not select Student 1 to be a captain for a number of reasons. He stated that the main reason was that during the indoor season (December 2018 – January 2019), Student 1 had, on several

⁵² The track coach stated that in reply to his remark, Parent 4 stated that he understood.

⁵³ Specifically, an assistant track coach stated that he had concerns about Student 1's being selected as captain because he did not believe that Student 1 had the maturity to be a captain.

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occasions, displayed poor sportsmanship at meets by ripping off her headband and storming away at the conclusion of her race. In addition, the track coach stated, and another coach confirmed, that during the indoor season, Student 1 often skipped her sprint workouts in favor of spending more time doing her long jump workouts; or claimed that she had an injury and could not do her sprint workouts, despite being able to do her long jump workouts and being cleared by the trainer. An assistant coach confirmed that during the indoor season, Student 1 failed to follow his instructions during practice, often did not complete her workouts, and exhibited poor sportsmanship at meets. Both the assistant coach and another coach agreed that Student 1 should not be selected as a captain for the outdoor season. The track coach stated that during a prior school year, he declined to select a student as team captain because she similarly failed to demonstrate leadership qualities/maturity. Glastonbury stated that this student had not engaged in protected activities.

Allegation (d):

The Complainant alleged that on or about March 25, 2019, the track coach told Student 1 that she should consider leaving the team if she did not attend full practice every day. The Complainant alleged that the track coach had not asked other student-athletes to leave the team due to missing practices for work commitments. The Complainant also alleged that on or about May 1, 2019, the track coach complained to Student 1 about her missing Friday practices.

The track coach denied that he had an issue with Student 1's leaving practice early on Fridays and denied that he specifically told her that she should leave the team. The track coach stated that he and the other coaches emphasized the importance of practice during meetings held at the beginning of the season with the student-athletes and their parents; but he denied having told any students recently, including Student 1, that they should consider leaving the team if they did not attend full practice every day. The track coach further stated that he was aware that Student 1 left practice early on Fridays for work; and stated that he did not object to this, particularly because the team often ends practice early on Fridays during the winter when the gym is used for high school basketball games and because Friday practices are typically lighter prior to the track team competitions on the weekends.

Legal Standards

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, which provides that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint. The following three elements must be satisfied to establish a prima facie case of retaliation: (1) an individual engaged in a protected activity; (2) an individual experienced an adverse action caused by the recipient; and (3) there is some evidence of a causal connection between the adverse action and the protected activity. When a prima facie case of retaliation has been established, OCR then determines whether there is a facially legitimate, non-retaliatory

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reason for the adverse action; and if so, whether the facially legitimate, non-retaliatory reason is a pretext for retaliation.

Analysis and Conclusions

1. Allegation Regarding the CIAC's Retaliation

The Complainant alleged that the CIAC retaliated against Parent 1, after Parent 1 complained about the Revised Transgender Participation Policy, by informing Parent 1, in March 2019, that the CIAC's Executive Director would no longer accept communications from her. OCR determined that Parent 1 engaged in protected activity on February 22, 2018, January 24, 2019, and March 28, 2019, when she sent emails expressing concern regarding the Revised Transgender Participation Policy to the CIAC's Executive Director;⁵⁴ and on February 28, 2019, when Parent 1 met with the Executive Director in person to discuss her concerns about the policy. OCR determined that the CIAC was aware of Parent 1's protected activity.

OCR determined, however, that the CIAC proffered a legitimate, non-retaliatory reason for the Executive Director's statement to Parent 1 that "further correspondence to CIAC has to come through your principal"; namely, that the CIAC staff typically did not communicate directly with parents and Parent 1 should have communicated her concerns with the athletic director or school administrator. OCR determined that the proffered reason was not a pretext for retaliation, as the Executive Director's instruction was consistent with the CIAC policy and the Executive Director's directives to other parents who had not engaged in protected activities. Therefore, OCR determined that there was insufficient evidence to substantiate the Complainant's allegation that the CIAC retaliated against Parent 1, after Parent 1 complained about the Revised Transgender Participation Policy, by informing Parent 1, in March 2019, that the Executive Director would no longer accept communications from her. Accordingly, OCR will take no further action with respect to this allegation.

2. Allegations Regarding Glastonbury Track Coach Retaliation

OCR determined that Parent 2 engaged in protected activity by sending emails to the Athletic Director in May, June, and July 2018, expressing her concerns that as a result of the Revised Transgender Participation Policy "[c]isgender girls are no longer provided opportunities in scholastic athletics that are equal and proportionate to the opportunities that boys are provided"; meeting with the Athletic Director, the principal, and the superintendent, on or about August 1, 2018, to discuss these concerns; meeting with the Athletic Director and Parent 4, on or about March 15, 2019, to again discuss these concerns; and telephoning and sending an email to the School's Title IX Coordinator in March and April 2019. OCR determined that Parent 2 also engaged in protected activity in May and June 2018, and in March 2019, when she sent emails to the track coach regarding her objections to the policy and a petition that she had initiated in opposition to

⁵⁴ As discussed previously, Parent 1 communicated with the former the Executive Director in her email on February 22, 2018; and with the current Executive Director from January 24, 2019, onward.

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the policy. OCR determined that the Glastonbury track coach was aware of the Parent 2's protected activity.

With respect to Allegation (a), OCR determined that neither the track coach nor any other Glastonbury employee denied Student 1 an opportunity to participate on a sprint medley relay team at the New Balance Nationals. Rather, the students themselves chose who would participate. Accordingly, OCR could not substantiate that the track coach or other Glastonbury employee subjected Student 1 to an adverse action. Absent an adverse action, OCR does not proceed further with retaliation analysis. Accordingly, OCR will take no further action regarding Allegation (a).

With respect to Allegation (b), OCR must often weigh conflicting evidence in light of the facts and circumstances of each case and determine whether the preponderance of evidence supports the allegation. Here, OCR did not find that the preponderance of the evidence supported the Complainant's assertion that the track coach told Parent 2 or Student 1 that he would not give a good report about Student 1 to college coaches. Based on the foregoing, OCR determined that there was insufficient evidence to substantiate that the track coach subjected Student 1 to the alleged adverse action. Absent an adverse action, OCR does not proceed further with a retaliation analysis. Accordingly, OCR will take no further action regarding Allegation (b).

With respect to Allegation (c), OCR determined that the Glastonbury proffered a legitimate, non-retaliatory reason for not selecting Student 1 as a captain for the spring 2019 outdoor season; namely, that track coaches had concerns about Student 1's maturity and dedication after the winter 2018 indoor season. Even assuming that the track coach also told Student 1 that the decision had to do with her leaving practice early on Fridays, OCR determined that would still be a legitimate, non-retaliatory reason for not selecting her. OCR determined that the proffered reasons were not a pretext for retaliation, as other coaches corroborated the reasons for the decision and the track coach gave an example of another student who had not been re-selected as captain based on similar behaviors, who had not engaged in protected activities. Additionally, OCR determined that there was no causal connection between the protected activity and the alleged adverse action, as the track coach selected Student 1 as a captain for the indoor season after she and Parent 2 had engaged in protected activities in 2018 and prior to their again engaging in protected activities in 2019. Therefore, OCR determined that there was insufficient evidence to substantiate the Complainant's allegation that the Glastonbury track coach retaliated against Student 1, for her and Parent 2's advocacy against the Revised Transgender Participation Policy, by denying Student 1 a position as a team captain in March 2019. Accordingly, OCR will take no further action regarding Allegation (c).

With respect to Allegation (d), OCR must often weigh conflicting evidence in light of the facts and circumstances of each case and determine whether the preponderance of evidence supports the allegation. Here, OCR did not find that the preponderance of the evidence supported the Complainant's assertion that the track coach told Student 1 in March 2019 and May 2019, that she should consider leaving the team if she had to leave practice early. Based on the foregoing, OCR determined that there was insufficient evidence to substantiate that the track coach subjected Student 1 to the alleged adverse action. Absent an adverse action, OCR does not proceed further with a retaliation analysis. Accordingly, OCR will take no further action regarding Allegation (d).

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Attempts to Resolve the Complaint

Via e-mail on February 12, 2020, OCR notified the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that it had determined that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury violated Title IX, and provided a proposed resolution agreement (the Agreement) to each that would resolve OCR's compliance concerns. During subsequent telephone calls with counsel for the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury, held during the period of February 13, 2020, through March 13, 2020, OCR informed counsel for the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury of the specific violation, and explained the nature of the violations and the basis of its findings. On multiple occasions during these communications, OCR informed counsel for the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury of the 90-calendar day timeframe for negotiations as set forth in Section 303(f) of the *Manual*. OCR also informed counsel for the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that the *Manual* states that OCR may end the negotiation period at any time prior to the expiration of the 90-calendar day period when it is clear that agreement will not be reached. On March 12, 2020, counsel for Bloomfield, Hartford, and Cromwell, and on March 13, 2020, counsel for the CIAC, Glastonbury, Canton and Danbury, informed OCR that their clients would not sign the Agreements.

On March 17, 2020, OCR issued impasse letters to the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury notifying the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that the negotiations had reached an impasse and a final agreement had not been reached. Further, the letter informed the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that in accordance with the *Manual*, Section 303(g), if an agreement was not reached within 10 calendar days of the date of the letter, i.e., by March 30, 2020, OCR would issue a Letter of Impending Enforcement Action indicating that the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury are in violation of Title IX. OCR also referred the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury to the *Manual*, at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>, in particular, Sections 303-305 and 601-602, for more information.

In emails dated March 27, 2020, OCR informed the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury that in view of their COVID-19-related duties and responsibilities, OCR was extending the ten-calendar day-deadline to respond to OCR's proposed resolution agreements for a period of 30 days, to April 27, 2020; and that if agreement was not reached by that date, OCR would issue a Letter of Impending Enforcement Action pursuant to Section 305 of the *Manual*. None of the entities in this matter—the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury entered into a resolution agreement with OCR to remedy the violations, and a Letter of Impending Enforcement Action was sent on May 15, 2020. No response to that Letter was received, either before or after the Court's decision in *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731 (2020), on June 15, 2020.

Based on the failure of the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury to resolve the identified areas of noncompliance, OCR will either initiate administrative proceedings to suspend, terminate, or refuse to grant or continue and defer financial assistance to

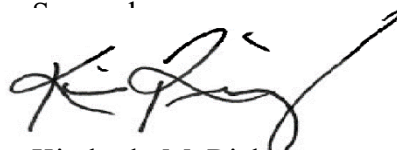
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the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury, or refer the cases to the U.S. Department of Justice for judicial proceedings to enforce any rights of the United States under its laws. OCR will take further enforcement action after no fewer than 10 calendar days from the date of this letter if resolution of these complaints has not yet been reached. This letter constitutes a formal statement of OCR's interpretation of Title IX and its implementing regulations and should be relied upon, cited, and construed as such. Congress explicitly delegated to the OCR the task of prescribing standards for athletic programs under Title IX. As a result, the degree of deference to the Department is particularly high in Title IX cases.

This Letter of Impending Enforcement Action is not intended and should not be interpreted to address the compliance of the CIAC, Glastonbury, Bloomfield, Hartford, Cromwell, Canton, and Danbury with any other regulatory provision or to address any issues other than those addressed in this letter. The complainant may file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Nadja Allen Gill, Compliance Team Leader, at (646) 428-3801, or nadja.r.allen.gill@ed.gov.



Kimberly M. Richey
Acting Assistant Secretary for Civil Rights

cc: Glenn Lungarini, CIAC Executive Director, via email only
Alan B. Bookman, Glastonbury Superintendent, via email only
Kevin D. Case, Canton Superintendent, via email only
Dr. Enza Macri, Cromwell Superintendent, via email only
Dr. Sal V. Pascarella, Danbury Superintendent, via email only
Dr. James Thompson, Jr., Bloomfield Superintendent, via email only
Dr. Leslie Torres-Rodriguez, Hartford Superintendent, via email only
Roger G. Brooks, Alliance Defending Freedom, Complainant, via email only

Exhibit P



U.S. Department of Justice

Civil Rights Division

Principal Deputy Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530

MEMORANDUM

March 26, 2021

TO: Federal Agency Civil Rights Directors and General Counsels

FROM: Principal Deputy Assistant Attorney General Pamela S. Karlan
Civil Rights Division PSK

SUBJECT: Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972

Several federal agencies have recently contacted the Civil Rights Division with questions regarding the application of the Supreme Court's reasoning in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. ___ (2020), to Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 *et seq.*) (Title IX), particularly in light of Executive Order 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, 86 Fed. Reg. 7023 (Jan. 25, 2021). The Department of Justice is charged with coordination of the implementation and enforcement of Title IX by Executive agencies. Exec. Order No. 12250, § 1-2, 45 Fed. Reg. 72,995 (Nov. 4, 1980). Under the Executive Order 12250 authority delegated to the Civil Rights Division, 28 C.F.R. § 0.51(a) (1981) and 28 C.F.R. § 42.412(a) (1981), I write to share the Division's view as to whether *Bostock* applies to Title IX.

Executive Order 13988 sets out the Administration's policy that "[a]ll persons should receive equal treatment under the law, no matter their gender identity or sexual orientation." Citing the Supreme Court's holding in *Bostock* that the prohibition on discrimination "because of . . . sex" under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (Title VII), covers discrimination on the basis of gender identity and sexual orientation, the Executive Order explains that *Bostock*'s reasoning applies with equal force to other laws that prohibit sex discrimination "so long as the laws do not contain sufficient indications to the contrary." The Executive Order directs agencies to review other laws that prohibit sex discrimination, including Title IX, to determine whether they prohibit discrimination on the basis of gender identity and sexual orientation. We conclude that Title IX does.

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(a). Because their statutory prohibitions against sex discrimination are similar, the Supreme Court and other federal courts consistently look to interpretations of Title VII to inform Title IX. *See, e.g., Franklin v. Gwinnett Cnty. Pub. Sch.*, 503 U.S. 60, 75 (1992); *Jennings v. Univ. of N.C.*, 482 F.3d 686, 695 (4th Cir. 2007); *Gossett v. Oklahoma ex rel. Bd. of Regents for Langston Univ.*, 245 F.3d 1172, 1176 (10th Cir. 2001). Thus, *Bostock*'s discussion of the text of Title VII informs the Division's analysis of the text of Title IX.

First, like Title VII, Title IX applies to sex discrimination against individuals. The *Bostock* Court focused on this feature of Title VII in reaching its holding. *Bostock*, 140 S. Ct. at 1740–41 (“[The statute] tells us three times—including immediately after the words “discriminate against”—that our focus should be on individuals”). Similarly, Title IX focuses on individuals when it uses the term “person.” See *Cannon v. Univ. of Chicago*, 441 U.S. 677, 704 (1979) (stating that, in enacting Title IX, Congress “wanted to provide *individual citizens* effective protection against those [discriminatory] practices” (emphasis added)).

Second, Title IX’s “on the basis of sex” language is sufficiently similar to “because of sex” under Title VII as to be considered interchangeable. In *Bostock* itself, the Supreme Court described Title VII’s language that way: “[I]n Title VII, Congress outlawed discrimination in the workplace *on the basis of* race, color, religion, sex, or national origin.” *Bostock*, 140 S. Ct. at 1737 (emphasis added); see also *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 64 (1986) (“[W]hen a supervisor sexually harasses a subordinate *because of* the subordinate’s sex, that supervisor ‘discriminate[s] *on the basis of* sex.” (emphasis added)). The *Bostock* Court concluded that Title VII’s prohibition of discrimination “because of” sex includes discrimination because of sexual orientation and transgender status, finding that when an employer discriminates against employees for being gay or transgender, “the employer must intentionally discriminate against individual men and women in part because of sex.” *Bostock*, 140 S. Ct. at 1740–43. The same reasoning supports the interpretation that Title IX’s prohibition of discrimination “on the basis of” sex would prohibit recipients from discriminating against an individual based on that person’s sexual orientation or transgender status. This interpretation of Title IX is consistent with the Supreme Court’s longstanding directive that “if we are to give Title IX the scope that its origins dictate, we must accord it a sweep as broad as its language.” *N. Haven Bd. of Ed. v. Bell*, 456 U.S. 512, 521 (1982) (citations and internal alterations omitted).

In the months following the *Bostock* decision, two appellate courts have reached the same conclusion, citing *Bostock* to support their holdings that Title IX protects transgender students from discrimination on the basis of gender identity. *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), *as amended* (Aug. 28, 2020), *reh’g en banc denied*, 976 F.3d 399 (4th Cir. 2020), *petition for cert. filed*, No. 20-1163 (Feb. 24, 2021); *Adams v. Sch. Bd. of St. Johns Cnty.*, 968 F.3d 1286, 1305 (11th Cir. 2020), *petition for reh’g en banc pending*, No. 18-13592 (Aug. 28, 2020). Other circuits reached this conclusion before *Bostock*. See *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1049–50 (7th Cir. 2017) (transgender boy was likely to succeed on his claim that school district violated Title IX by excluding him from the boys’ restroom); *Dodds v. U.S. Dep’t of Educ.*, 845 F.3d 217, 221–22 (6th Cir. 2016) (per curiam) (school district that sought to exclude transgender girl from girls’ restroom was not likely to succeed on the claim because Title IX prohibits discrimination based on sex stereotyping and gender nonconformity).

After considering the text of Title IX, Supreme Court caselaw, and developing jurisprudence in this area, the Division has determined that the best reading of Title IX’s prohibition on discrimination “on the basis of sex” is that it includes discrimination on the basis of gender identity and sexual orientation. Before reaching this conclusion, the Division considered whether Title IX “contain[s] sufficient indications” that would merit a contrary conclusion. The Division carefully considered, among other things, the dissenting opinions in

Gloucester and *Adams*, and the concerns raised in the dissents in *Bostock*. Like the majority opinions in those cases, however, the Division ultimately found nothing persuasive in the statutory text, legislative history, or caselaw to justify a departure from *Bostock*'s textual analysis and the Supreme Court's longstanding directive to interpret Title IX's text broadly. Whether allegations of sex discrimination, including allegations of sexual orientation or gender identity discrimination, constitute a violation of Title IX in any given case will necessarily turn on the specific facts, and therefore this statement does not prescribe any particular outcome with regard to enforcement.

I hope this memorandum provides a starting point for your agencies to ensure the consistent and robust enforcement of Title IX, in furtherance of the commitment that every person should be treated with respect and dignity. The Civil Rights Division is available to answer any questions your agencies have as you implement Title IX's protections against sexual orientation and gender identity discrimination.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

**THE SCHOOL OF THE OZARKS, INC.,
D/B/A COLLEGE OF THE OZARKS,**

Plaintiff,

v.

Civil Case No.:

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States; **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**; **MARCIA L. FUDGE**, in her official capacity as Secretary of the U.S. Department of Housing and Urban Development; **JEANINE M. WORDEN**, in her official capacity as Acting Assistant Secretary for Fair Housing & Equal Opportunity of the U.S. Department of Housing and Urban Development,

Defendants.

**CERTIFICATE OF CORPORATE INTEREST DISCLOSURE REQUIRED BY
LCVR 7.1 OF THE LOCAL RULES OF THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF MISSOURI**

I, the undersigned, counsel for Plaintiff College of the Ozarks, certify that to the best of my knowledge and belief, the following are all parent companies of the corporation, subsidiaries—except wholly owned subsidiaries—and affiliates that have issued shares to the public:

(none).

These representations are made in order that judges of this Court may determine the need for recusal.

Respectfully submitted this 15th day of April, 2021.

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**Pro hac vice* application forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with the Federal Rules of Civil Procedure, a copy of this verified complaint and accompanying attachments will be served upon the following individuals and agencies via registered or certified mail:

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Respectfully submitted this 15th day of April, 2021.

s/ Julie Marie Blake

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