

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

GAVIN GRIMM,	)	
	)	
	)	
Plaintiff,	)	
	)	Civil Case No. 4:15-cv-54
v.	)	
	)	
GLOUCESTER COUNTY SCHOOL	)	
BOARD,	)	
	)	
Defendant.	)	

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**DECLARATION OF GAVIN GRIMM**

1. I am the plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.
2. My name is Gavin Elliot Grimm.
3. I was born in Gloucester County on May 4, 1999, and lived in Gloucester County all my life until January 2018.
4. I currently reside in Berkeley, California where I attend school at Berkeley City College and engage in community activism work.
5. I was a student at Gloucester High School and graduated on June 5, 2017.

**My Early Childhood Before Transition**

6. I have always known that I am a boy. I always saw myself as a boy, identified with male cartoons, and related to male characters. During imaginary play as a young child, I always cast myself in a male role with a traditionally male or gender-neutral name.
7. Around the time that I reached school age, I first started to understand that others perceived me as a girl. I also began to recognize that society perceives large differences between

men and women, including different expectations about their social roles. In part, this realization developed as I expressed interest in activities that were not available to me because I was seen by others as a girl. At that point, I had an understanding that the female physical and social role I was assigned were inaccurate. But I did not have the language at the time to vocalize those feelings.

8. Starting in elementary school, I was bullied throughout my entire school career, in part because I did not conform to traditionally feminine gender expectations. Peers threw things at me, called me horrible names, refused to sit near me, and excluded me from activities. I was called names frequently, at least once or twice a day. Students would call me “faggot,” “dyke,” “homo,” “weirdo,” and make references to my weight.

9. I recall one instance when students were asked to line up boy, girl, boy, girl. I remember the person assigning students placed me in one of the “boy” positions. This was a moment of great joy for me.

10. Throughout my childhood I would request boys’ clothing, but was told it was not appropriate for me. As I grew older, I would fight with my mom to let me shop in the boys’ aisle. I remember a particularly distressing experience when my sister got married and my mother insisted I wear a dress. That was a painful, drawn-out process. For every store we went to, I would walk in, take one look, and say I hated them all. I really fought hard not to wear a dress and eventually, after a lot of tears, I wore one that was very plain and black, like a square with straps. I was incredibly distressed, and the first thing I greeted my relatives with was “please don’t call me pretty,” because I did not want to be perceived as feminine in any way.

11. At around age 12, I was able to exercise more control over my clothing and hairstyle. I cut my hair short in a style traditionally associated with boys, and wore clothing exclusively from the boys' section of stores.

12. When I was 13, I also began using a compression garment, often referred to as a chest binder, to flatten my breasts. I never left the house without wearing the compression garment.

13. Everyone who knew me still assumed that I was a girl because I had not at that time discovered the word transgender and how that related to who I was. But, outwardly, I presented very masculine, and that was not something that was unnoticed by peers and friends. When I went in women's restrooms, I was chased out or yelled at by girls or women saying "you are not supposed to be in here," or telling me that I was in the wrong place and needed to leave.

### **My Gender Transition and Coming Out**

14. Around the same time, I first learned about the term "transgender" from the internet, and realized that there was a word for the feelings I had felt all my life. I had not known about gender transition before, and I was ecstatic to discover it was something a person could do.

15. I had very few friends when I was younger, but as I acknowledged my male gender identity to myself and began to feel more comfortable with who I am, I began to form a group of close friends. One time in ninth grade, before I had revealed to any of my friends that I was transgender, I remember a friend saw another student and remarked, "that looks like the male version of Gavin." My other friend said in response, "Gavin is the male version of Gavin." (This was before I changed my name, so they actually used said my old name instead of "Gavin" when they talked.) I was elated that one of my closest friends perceived me as male, even before I had revealed my gender identity to them.

16. During ninth grade, I gradually began disclosing to friends that I was a boy. Since the reactions of my friends were generally positive and supportive, I disclosed my gender identity to more friends. By the end of ninth grade, most of my friends were aware of my gender identity, and I lived openly as a boy when socializing with friends away from home and school.

17. But I was still afraid to reveal to my family or teachers that I was transgender. My home and community environment was very conservative and also religious. The teachings of the churches in our community were that being gay or transgender was wrong and evil.

18. This made my ninth grade year very difficult for me. Continuing to be seen by others as a girl was incredibly distressing to me. When I would raise my hand to answer a question in class, teachers would say “yes, ma’am.” Teachers continued to refer to me by a female name. Using the girls’ restrooms was also a constant source of anxiety, so I began avoiding the restrooms at school.

19. The cumulative stress of being constantly misgendered caused depression and anxiety so severe that I could not attend school during the spring semester of my freshman year. My ability to function at school became so diminished that it was not possible for me to continue going to school. My social anxiety related to being gendered incorrectly was so bad that I was afraid to go outside, where I might encounter other people. I was miserable, and as a result, could not focus academically. Instead, I took classes through a home-bound program that follows the public high school curriculum through online classes.

20. In April 2014 I finally came out to my mother as a boy. I had previously downloaded a PDF on a reading tablet with information about what it means to be transgender, but I had been too nervous to show it to her. That day, we were in the kitchen talking about something else, and she said the word “transgender.” I did not think she was aware of that word.

When she said the word “transgender,” I ran off to find the tablet—but I couldn’t find it. So I came back and told her that I am transgender, and a boy.

21. My mom told me she loved me and would support me, but she told me not to tell the rest of my family yet. She also helped pick a new name for me: Gavin.

22. We ended up telling the rest of my family a few weeks later at a party for my fifteenth birthday. The morning of the party I was overwhelmed by grief and anxiety. I had locked myself in my bedroom, deeply traumatized by the thought of experiencing another birthday as a “birthday girl.” My father knocked, and he asked me what the problem was. I told him, “Mom said I wasn’t allowed to tell you.” So he asked my mom, and she told him I was a boy. My mom then called the rest of my relatives who were on the way to the party to tell them that I was a boy. She wiped off my old name from the birthday cake, and wrote “Gavin” in its place.

23. My mother made clear to my dad and my brother that she expected them to respect that I am a boy and to use my correct name and pronouns. That was not a point of negotiation in our household. It took a few months for my father and brother to get used to it. But they eventually shifted from tacitly accepting my identity to fully supporting me. My father and brother would comfortably say to other people “he’s my son,” or “he’s my brother.”

24. At my request, I began therapy with a psychologist who had experience with working with transgender patients. The psychologist diagnosed me with gender dysphoria. The psychologist recommended that I immediately begin living as a boy in all respects. That included using a male name and pronouns and using boys’ restrooms. The psychologist gave me a “treatment documentation letter” to confirm I was receiving treatment for gender dysphoria and that, as part of that treatment, I should be treated as a boy. A copy of that treatment

documentation letter is attached as Exhibit A. In addition, the psychologist recommended that I see an endocrinologist to begin hormone treatment for gender dysphoria.

25. In July 2014, I petitioned the Circuit Court of Gloucester County to change my legal name to Gavin Elliot Grimm, and the court granted the petition.

### **Starting Tenth Grade as a Boy**

26. Before the beginning of tenth grade, my mother and I met with Gloucester High School guidance counselor Tiffany Durr to explain that I was a boy and needed to socially transition at school as part of my medical treatment. Ms. Durr expressed support for me and a willingness to ensure a welcoming environment for me at school.

27. Ms. Durr and I agreed that I would send an email to teachers explaining that I was to be addressed using the name Gavin and to be referred to with male pronouns. This was to avoid the potential of misgendering (a practice of unintentionally or maliciously misidentifying my gender) or deadnaming (a practice of using a transgender person's birth name, instead of their chosen name).

28. I did not personally experience malicious misgendering from staff, but there were small groups of students who would make a point to greet me by my dead name, and deliberately identify me as a girl. I recall one instance where my name, "Gavin," was called for attendance, and a classmate started laughing. I heard him tell everyone, "that's a chick, that's a chick," and repeatedly tried to call my attention by yelling my old name. But after I complained to the teacher, she made sure that the student did not harass me in class again.

29. I initially agreed to use a separate restroom in the nurse's office, but once I began school, I soon found it stigmatizing to use a separate restroom. I began to feel anxiety and shame surrounding my travel to the nurse's office. The location of the nurse's office made it difficult

for me to use the restroom between classes, as it was located in a different part of the building and was very inconvenient to reach from my classrooms. I recall my frustration with missing instructional time in class.

30. I was also embarrassed by how long it would take for me to get to and return from the nurse's office. On at least one occasion a teacher commented on my lengthy disappearance when I reentered the classroom. The teacher made a big public point about how long I had been gone in a way that I felt was humiliating. Other times, students would say, "what took you so long," and other snide remarks.

31. I was allowed to use a faculty restroom that was closer to my classes, but I was even more embarrassed to use the faculty restroom than the restroom in the nurse's office. I was worried that another student would see me go into a faculty restroom, which would have been even more uncommon than my going to the nurse's office.

32. After a few weeks, I asked Ms. Durr and Principal Nate Collins to be allowed to use the boys' restrooms. I expressed to Mr. Collins that it was stigmatizing and embarrassing to have to travel to a separate restroom, and that it was also detrimental to my instructional time to have to travel so far to use the restroom. I said that it identified me as different and as a target for harassment.

33. I did not need to use the locker rooms because I had elected to continue completing my physical education classes through an online program.

34. I also informed Mr. Collins that I was expecting to begin hormone therapy. My family and I had met with a pediatric endocrinologist at Virginia Commonwealth University to begin hormone therapy treatment. But my initial blood tests revealed that my body was already producing an unusually high amount of testosterone. Before I could begin hormone therapy I had

to wait several weeks while the doctors made sure that I did not have an endocrine disorder that was incompatible with hormone therapy.

35. Mr. Collins told me he would check with others. A few weeks later, Mr. Collins met with me again and said that I could use the same restrooms as other boys.

36. I started using the restrooms on October 20, 2014. For approximately the next seven weeks, I used the boys' restrooms at school. During the time I used the boys' restrooms, I never encountered any problems from other students. Over the course of those seven weeks, I had a single conversation with a student in the restroom. He asked me if I liked his socks, and I said yes.

37. At the time I was granted permission to use the boys' restroom at school, I had already been using the boys' restroom in public places in Gloucester and outside of Gloucester, so this was very natural to me.

38. After being respected as a boy and allowed to use the same restrooms as other boys, I was excited about the prospect of living out the rest of my school year as just another student. The seven weeks when I had been respected and treated like other boys were the most comfortable I ever felt at school.

### **The School Board's New Policy**

39. On November 10, 2014, my mother and I learned that the School Board would be discussing my use of the boys' restrooms at its meeting on November 11, 2014. No one from the Gloucester High School administration or the School Board informed us of this discussion. We learned about it through a Facebook post encouraging people to attend and speak out against me using the boys' restrooms, with many vile comments about a girl being in the boys' restroom.



My mom and I were frustrated, and we felt it was wrong that we were not given advanced notice that the question of my bathroom use was going to be debated at a public school board meeting.

40. My parents and I attended the meeting to speak against the policy. After having the experience of being treated just like other boys, I could not sit on the sidelines and let the School Board take it away from me. If I did not speak up, the conversation would have been held without me and with no one to support me. Since it was a conversation about my future, I wanted to be included.

41. I also attended the School Board's meeting on December 9, 2014.

42. Members of the public who spoke at the meetings made openly hostile comments about me, calling me "a freak," "a dog," and all sorts of hateful horrible language. Many of these individuals went to great lengths to refer to me with female pronouns or honorifics such as young lady, little miss, ma'am, or missus.

43. As a result of the school board meetings and the new transgender restroom policy, I felt like I had been stripped of my privacy and dignity. Having the entire community discuss my genitals and my medical condition in a public setting has made me feel like a public spectacle. Everyone could now identify me as "the transgender student who wants to use the boys' restroom," which made me incredibly anxious and fearful.

44. The day after the school board meeting, Mr. Collins told me that I would no longer be allowed to use the boys' restrooms and that there would be disciplinary consequences if I tried to do so.

45. After having had the opportunity to live consistent with my gender identity, I was devastated when it was taken away from me. It was humiliating for the School Board to take the

position that there was something wrong with me, and that I should not be allowed to be with my peers in common spaces.

46. Although the Board had announced that it would construct three new single-user restrooms, those restrooms were not completed until about a week after the policy went into effect. At one point during that week, I stayed after school for an event and realized that the nurse's office was locked and it would be several hours before my parents could pick me up. I was very distraught—totally devastated—that I had nowhere to use the restroom in my own school, so I broke down and went sobbing to the library to ask for help. One of the librarians drove me home so that I could use the restroom.

47. After the three single-stall restrooms were constructed at Gloucester High School, I looked inside the restrooms once or twice just to see what they looked like, but I never used them. The single-stall restrooms made me feel even more stigmatized and isolated than using the nurse's office because everyone knew that they were installed for me in particular, so that other boys would not have to share the same restroom as me.

48. Although the school said that all students could use the single-stall restrooms, I was the only student mandated to use them. I never saw any other student use the single-stall restrooms either. Two of the restrooms were near the lunchroom, and when my friends and I sat down for lunch we could see the restrooms, but I never saw any student use them.

49. Unlike some of the boys' restrooms, none of the new single stall restrooms were located near my classes. Only one of the single-stall restrooms is located anywhere near the restrooms used by other students. Because all three facilities are clustered near each other, they were not much closer or more convenient than the nurse's restroom.

50. Instead of using the separate restrooms, I tried to avoid using the restrooms entirely while at school. When that was not possible, I used the nurse's restroom. Every time I had to walk to the nurse's room, I felt like I was doing a walk of shame. I was embarrassed that everyone who saw me enter the nurse's office knew exactly why I was there: because I am transgender, and I was prohibited from using the same restrooms as other boys.

51. I tried to limit the amount of liquids I drank and tried to "hold it" when I needed to urinate during the school day. Avoiding the restroom was distracting when I was trying to focus in class. And, as a result of trying to avoid using the restroom, I repeatedly developed painful urinary tract infections. The only time I developed these infections was during the school year when I had to avoid using the restroom; I did not develop infections during summer vacations, and now that I have graduated from Gloucester High School, that problem has disappeared.

52. The restroom policy also interfered with my involvement in school events and activities, making me feel even more targeted and isolated. There was no restroom I could use when attending football games because there were no single-user facilities by the athletic field and school buildings were locked after-hours, so I tried very hard to plan ahead so that I would not have to use the restroom during the game. But there were a few occasions when I needed to use the restroom, and I had to leave the game early. One time, a friend had to drive me down the road to use a restroom at a nearby Lowe's or Home Depot. Another time, my mother just came and took me home.

53. Shortly after the policy went into effect, I met with Ms. Durr and told her that I felt humiliated and distressed by the Board's policy. But I knew that she could not do anything to change it. After that, I realized that talking to school counselors and administrators was pointless

because the Board had already decided that it didn't care about my wellbeing. Counselors and administrators could not give me permission to use the boys' restroom, and I did not have faith in the school system to protect me.

54. By the time I started eleventh grade, the stress was unbearable. I was in an environment every single day, five days a week, where I felt unsafe, anxious, and disrespected. I told my mom that I was having suicidal thoughts, and I was hospitalized briefly at Virginia Commonwealth University (VCU) Medical Center Critical Care Hospital for mental health treatment for suicidality, depression, and anxiety.

55. Instead of returning to Gloucester High School to resume classes, I completed the rest of eleventh grade in an independent study program at the "T.C. Walker" building, which is a separate location where students could complete course credits through an online computer program. At the "T.C. Walker" building, all the students in the independent study program used a single-stall restroom that was near the classroom. I was able to use this restroom without being singled out and treated differently from everyone else.

56. When I was in twelfth grade, the independent study program was no longer offered at "T.C. Walker." I returned to Gloucester High School, but I had stored up enough credit from online courses that I had a reduced course load. For all of twelfth grade, I continued to use the nurse's restroom when I absolutely had to, and I stayed away from campus as much as possible.

57. I graduated Gloucester High School on June 5, 2017.

58. Living through this experience has made me stronger than I ever thought I could be, but I am still deeply hurt and upset about what the School Board put me through for all those years. At the beginning of tenth grade, I finally had a chance to have a normal high school

experience just like any other boy. The School Board took that away from me, and I will never get it back.

### **Additional Medical and Legal Steps in My Gender Transition**

59. During tenth, eleventh, and twelfth grade, I also continued to take medical and legal steps as part of my gender transition.

60. In December 2014, shortly after the Board’s policy went into effect, I began hormone therapy, which has deepened my voice, increased my growth of facial hair, and given me a more masculine appearance.

61. In June 2015—at the end of tenth grade—the Virginia Department of Motor Vehicles issued a state I.D. card for me identifying me as male with an “M” gender marker. A copy of the DMV letter confirming my gender marker change is identified as Exhibit B.

62. In June 2016—at the end of eleventh grade—I underwent chest-reconstruction surgery, as part of my treatment for gender dysphoria.

63. On September 9, 2016—at the beginning of twelfth grade—the Gloucester County Circuit Court issued an order declaring that my sex is male and directed the Virginia Department of Health to issue me a birth certificate listing my sex as male. A copy of that court order is attached as Exhibit C.

64. On October 27, 2016, the Virginia Department of Health issued a birth certificate listing my sex as male. A copy of that birth certificate is attached as Exhibit D.

65. Despite all of this, I was still not allowed to use the same restrooms as other boys at Gloucester High School.

66. After I received my updated birth certificate, my mother and I provided the school with a copy and asked them to update my school records to match the gender marker on my birth certificate. I was planning to apply to colleges, and I wanted my school transcript to be updated so that it identified me as “male” instead of “female.”

67. I went to the guidance office several times to ask when my school records would be updated, but I never received an answer. Finally, someone from the guidance office told me that they had been instructed to tell me: “We have received your request. Thank you.”

68. As a result of Gloucester County Public Schools’ refusal to update my school records, my official school transcript still identifies my sex as “female” even though all of my other identification documents identify me as male. A copy of my transcript is attached as Exhibit E.

69. I am currently attending community college at Berkley City College, but I plan to eventually transfer to a four-year school. Every time I have to provide a copy of my transcript to a new school or employer, I will have to show them a document that negates my male identity and marks me as different from other boys. I am still tethered to high school by this document, and I think it is unfair that a high school that put me through so much is able to wield that much negative influence over my adult life.

70. I was shocked and angry when I learned the School Board recently testified that their policy turned on students’ current birth certificate. If the Board really is interpreting its policy this way, then it makes what they did to me even worse. Under what they now say the

policy means, I should have been allowed to use the same restrooms as other boys starting in late October 2016 when I provided them with my new birth certificate. I could have had a normal high school experience for most of my senior year. I jumped through hoop after hoop, and I did everything I was supposed to do even under the Board's discriminatory policy. If the Board really thought something was wrong with my documents, why didn't they just tell me what the problem was so I could address it? It feels like they were playing games with my life, and I do not understand how a group of adults could treat a high school student that way.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 3/19/19

A handwritten signature in black ink, appearing to read 'Gavin Grimm', written over a horizontal line.

Gavin Grimm