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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

LINDSAY HECOX, et al., *Plaintiffs*, v. BRADLEY LITTLE, et al., *Defendants*.	No. 1:20-CV-184-CWD **EXPERT DECLARATION OF HELEN CARROLL IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Helen Carroll, have been retained by counsel for Plaintiffs Lindsay Hecox and Jane Doe, with her next friends, Jean Doe and John Doe, as an expert in connection with the above-captioned litigation.

1. The purpose of this declaration is to offer my expert opinion on policies for transgender inclusion in athletics at the high school and collegiate levels in the United States.

2. In preparing this report, I reviewed the legislative findings for H.B. 500, as enacted, and the sources cited therein.

3. I have knowledge of the matters stated in this declaration and have collected and cite to relevant literature concerning the issues that arise in this litigation in the body of this declaration.

PROFESSIONAL BACKGROUND

4. I received a Bachelor of Science in Physical Education in 1974 from Middle Tennessee State University, located in Murfreesboro, Tennessee, and a Masters of Science in 1976 from Appalachian State University, located in Boone, North Carolina. A current copy of my resume is attached as Exhibit A.

5. I was the Head Women's Basketball Coach of the 1984 National Championship Team at the University of North Carolina-Asheville from 1980-1984, and Associate Athletic Director from 1985-1988.

6. I was a National Collegiate Athletic Association ("NCAA") and National Association of Intercollegiate Athletics ("NAIA") Athletic Director at Mills College located in Oakland, California, from 1988-2000.

7. My responsibilities as a coach included athlete recruitment, ensuring my athletes' privacy and safety, and creating team cohesion. These responsibilities also included developing and implementing guidelines that covered, among other things, an atmosphere of inclusion and respect within the team.

8. My responsibility as athletic director included ensuring that all coaches and all teams followed school policies regarding privacy, safety, and inclusion; supporting coaches in implementing policies; and in athlete recruitment and team development. I was also responsible for ensuring that facilities met the needs of teams and visiting teams. My responsibilities also included Title IX compliance, general athletic department budgets, and developing and implementing nondiscrimination policies designed to ensure the inclusion and safety of all student athletes.

9. I joined National Center for Lesbian Rights ("NCLR") as the Director of the Sports Project in 2001 after spending 30 years as an athlete, coach, and collegiate athletic director. I devoted my efforts at NCLR to helping athletes, athletic programs, and institutions recognize that the inclusion of people who are lesbian, gay, bisexual, and/or transgender or intersex, diversifies and strengthens the sport experience.

10. I have personally assisted at least ten (10) NCAA collegiate institutions develop and adopt policies for the inclusion of transgender student athletes. I have assisted at least seven (7) state high school athletic associations in developing and adopting policies for the inclusion of their transgender student athletes.

11. I am the co-author of the 2011 NCAA Guide for Transgender Athlete Inclusion.

12. I have worked closely with major national sports organizations including the Women's Sports Foundation and the NCAA. I have also been a featured speaker on panels with Nike, ESPN's "Outside the Lines," and The New York Times. I am featured in Dr. Pat Griffin's book, "Strong Women, Deep Closets and The Outsports Revolution" by authors Jim Buzinski and Cyd Ziegler Jr.

13. I originally became familiar with transgender student athletes after the International Olympic Committee announced a policy in 2005 that included the participation of transgender athletes. After this policy was announced, I worked with several institutions and individuals, including the Professional Golf Association, United States Track and Field Association, Ladies Professional Golf Association, and transgender athletes, to determine the best practices for sports organizations for the inclusion of transgender athletes.

14. In October 2010, I co-authored a report with Dr. Pat Griffin entitled "On the Team: Equal Opportunity for Transgender Student Athletes" ("Report"). The Report was co-sponsored by the Women's Sports Foundation and NCLR, and was the result of a 2009 national think tank entitled "Equal Opportunities for Transgender student athletes," hosted by the NCAA. Think Tank participants included leaders from the NCAA and the National High School Federation, transgender student athletes, and an array of experts on transgender issues from a range of disciplines — law, medicine, advocacy, and athletics. The goals of the initiative were to develop model policies and identify best practices for high school and collegiate athletic

programs to ensure the full inclusion of transgender student athletes. The Report also led to the 2011 NCAA Guide for Transgender Athlete Inclusion.

SCHOOL ATHLETIC POLICIES ON TRANSGENDER INCLUSION

15. School athletic programs are widely accepted as integral parts of the high school and college experience. The benefits of school athletic participation include many positive effects on physical, social, and emotional well-being. Playing sports can provide student athletes with important lessons about self-discipline, teamwork, success, and failure—as well as the joy and shared excitement that being a member of a sports team can bring.

16. Participation in high school athletics shows that a student is well-rounded and can improve a student's chances of acceptance into college. For some students, playing on high school teams leads to future careers in athletics as competitors, coaches, administrators, and athletic trainers. It can also lead to scholarship opportunities at the collegiate level. All students, including those who are transgender, deserve access to these benefits.

17. Through my work, I have experience developing policies governing the inclusion of transgender student athletes with high schools and athletic associations to ensure that transgender athletes have access to athletic opportunities as children, adolescents, and young adults. I have also worked with coaches learning how to accommodate transgender students who want to play on sports teams. These policies often address the standard under which transgender athletes are able to participate as well as basic accommodations, such as knowing what pronouns or names to use

when referring to a transgender student, where a transgender student should change clothes for practice or competition, and what restroom or locker room that student should use.

18. Many state athletic associations have developed policies that allow transgender student-athletes to participate in athletics consistent with their gender identity without any proof of medical treatment. This is best practice for K-12 athletics.

19. Other states have policies that permit participation based on gender identity after certification of different aspects of medical transition.

20. Only a very small number of states require proof of hormone therapy before permitting girls who are transgender to participate in high school athletics for women and girls. Before enactment of H.B. 500, Idaho was one of these states.

21. Idaho's new policy under H.B. 500, as enacted, is a complete outlier. No state, college, or athletic association in the United States has such a restrictive and exclusionary policy. Prior to the enactment of H.B. 500, no state or athletic association completely barred transgender student athletes from participating in athletics consistent with gender identity. Likewise no state or university imposed a verification process for all competitors in women's athletics whose sex is disputed.

22. Athletic leaders who are charged with policy development need guidance to avoid inscribing misconceptions and misinformation in policies that create problems rather than solve them. Idaho's new law is counter to the prevailing

standards of inclusion in high school athletics and perpetuates misconceptions and misinformation.

23. Failure to adopt inclusive participation policies also hurts cisgender students by conveying a message that the values of non-discrimination and inclusion are not important. This can undermine team unity and also encourage divisiveness by policing who is "really" a girl. Laws like Idaho's newly enacted law can also put transgender athletes at risk of bullying and harassment within the school or community by singling them out for discrimination.

24. When a school or athletic organization denies transgender students the ability to participate equally in athletics because they are transgender, that condones, reinforces and affirms the transgender students' social status as outsiders or misfits who deserve the hostility they experience from peers.

25. I am not aware of any cisgender girls being harmed by the presence of a transgender student-athlete participating on their team or in their league. I am likewise not aware of cisgender students losing scholarship opportunities as a result of transgender athletes participating on their team on in their league. Athletic scholarship opportunities are awarded based on a range of factors. Coaches look at the entire athlete not just on what place a person or team comes in at a given race or tournament.

NCAA POLICY FOR TRANSGENDER INCLUSION

26. In 2011, the NCAA published the Guide for Transgender Athlete Inclusion, which is a guide to colleges and universities on how to adopt inclusive

policies and practices for transgender student-athletes. I am a co-author of the NCAA Guide for Transgender Athlete Inclusion.

27. The guide includes the operative NCAA policy for inclusion of transgender women athletes on women's teams for schools to follow for maintaining eligibility in NCAA-sponsored events (such as conference and league tournaments). The NCAA's policy allows women who are transgender to compete on women's teams in women's sporting events after completion of one year of testosterone suppression hormone therapy as part of gender transition.

28. The NCAA policy was developed with the expertise of sports administrators, doctors, athletes, and other experts in collegiate sports. Experts involved in developing the NCAA policy included, amongst others, the NCAA's he NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.

29. The purpose of NCAA policy requiring transgender athletes to undergo one-year of hormone therapy prior to being eligible to play on a team consistent with their gender identity was to ensure that all women had the opportunity to participate consistent with gender identity after minimizing potential impact of testosterone on the body. The length of the therapy that must be shown (one year) was chosen intentionally for multiple reasons: first, after consultation with medical providers, including experts that had consulted on elite, international policies for transgender inclusion in athletics, it was determined that one year was more than sufficient to minimize any advantage resulting from circulating testosterone; and second, because under NCAA athletic eligibility rules, all student-athletes are able to maintain four

years of athletic eligibility out of five years of collegiate attendance. This one-year rule ensured that by taking a year off to undergo hormone therapy, transgender athletes could still compete consistent with gender identity for four years or however many years of eligibility remained for them. The NCAA policy therefore mirrors the hormone suppression rules for Olympic competition in duration of testosterone. Unlike the Olympic rules, however, the NCAA policy does not require athletes to certify hormone suppression to a certain level. The policy is aimed at making the process easier for the student-athlete and institutions to comply with and therefore only requires certification by a medical provider that testosterone suppression has been ongoing for a period of one year rather than ongoing monitoring of testosterone and disclosure of lab results.

30. The NCAA policy does not require schools to report the number of transgender students participating in athletics unless and until the team with a transgender athlete seeks to participate in an NCAA-sponsored event (e.g., conference or league tournaments).

31. For the past nine years, transgender athletes have been able to compete on teams at NCAA member colligates and universities consistent with their gender identity like all other student-athletes with no disruption to women's collegiate sports.

32. The NCAA policy was carefully designed by experts in the field and has been successfully implemented for nearly a decade. H.B. 500 is the only state-level

policy to contradict the NCAA policy and is an outlier in excluding transgender and many intersex athletes.

33. Prior to the passage of H.B. 500, no state had separately regulated collegiate participation of transgender athletes and the NCAA policy was the standard for inclusion across the United States. Idaho stands alone in undermining NCAA's longstanding policy for collegiate athletes in the state and risks harming collegiate athletes not only in Idaho but across the country who may seek to compete in Idaho.

34. Like for high school athletics, collegiate athletics provide important opportunities for social, emotional and physical well-being, confidence and other positive impacts for student-athletes. Creating a statewide ban on the participation of transgender young women in collegiate athletics will disrupt existing policies and harm transgender and cisgender student-athletes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28 day of April 2020.

Helen Carroll

Helen Carroll

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of April, 2020, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dan Skinner
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Individual members of the State Board of Education,
Boise State University,
Marlene Tromp,
Individual members of the Idaho Code Commission

DATED this 30th day of April, 2020.

/s/ Richard Eppink

EXHIBIT A

Helen J. Carroll
Sports Diversity Consultant

Mountain View, CA 94043 hcarroll@nclrights.org (415) 595-2123

SUMMARY

Over 40 years of leadership in women's sports including:

- Developing National Think Tank series for LGBT concerns in athletics

- Coaching a team to an NAIA National Championship title.

- Directing, coaching and teaching in NCAA I, II, and III athletic programs.

- Maintaining strong, ongoing relationships with coaches, players, AD's and media at all levels from junior high school through WNBA.

- Marketing university sports programs to alumni and corporate donors.

- Nationally recognized spokesperson for women's sports issues.

- Nationally recognized spokesperson for LGBT issues in sport

-Nationally recognized expert for Transgender nclusion in all sport levels

- Demonstrated ability to recognize and leverage trends impacting women's sports

EXPERIENCE

National Center For Lesbian Rights, San Francisco, CA 2001 - 2016

Sports Project Director Maintain relationships at all levels of women's basketball, from high school to the WNBA. Consult with coaches, athletic directors and academic/administrative staff on sexual orientation and transgender issues that impact women's sports programs. Provide expert commentary for media. Attend NCAA Basketball Finals, WBNA games and playoffs, and other key competitions.

- Created National Think Tank series for issues pertaining to LGBT student athletes, coaches and Administrators with the NCAA

- Co-authored the 2011 NCAA Guide for Transgender Athlete Inclusion.

- co-authored the 2010 "On the Team: Equal Opportunity for Transgender Student Athletes" The Report was co-sponsored by the Women's Sports Foundation and NCLR, and was the result of a 2009 national think tank entitled "Equal Opportunities for Transgender student athletes," hosted by the NCAA with participation including the National Federation of High Schools

- Worked closely with major national sports organizations including the Women's Sports Foundation and the NCAA. Featured speaker on panels with Nike, ESPN's "Outside the Lines," and The New York Times
- Featured in Dr. Pat Griffin's book, "Strong Women, Deep Closets and The Outsports Revolution" by authors Jim Buzinski and Cyd Ziegler Jr.
- presented "The Gay/Lesbian Athlete's Place in the Corporate World" at Nike main campus.
- Developed an innovative education program to help entering NCAA LGBT athletes be included in sports in a positive way
- Worked with high visibility coaches and administrators to address unethical recruiting practices that negatively impact women's basketball's image.
- Working with the NCAA Director of Inclusion, on diversity issues affecting student athletes resulting in policy changes at national level.

Mills College, Oakland, CA 1988 – 2000

Director of Athletics, Physical Education and Recreation
Directed NCAA intercollegiate sports programs. Developed and implemented department vision and strategic plan. Oversaw department budget. Hired, trained and evaluated coaches, lecturers, recreation and support staff. Negotiated contracts and salaries. Oversaw NCAA compliance, eligibility and financial aid for student-athletes. Managed sports information, promotion and marketing. Co-partnered with college president to raise funds for sports.

- Guided programs of inclusion including combatting racism, classism, homophobia and transphobia
- Helped maintain academic excellence of student athletes including two Rhodes Scholar fellowships and Academic All America Teams.
- Directed construction of new athletic facilities including aquatic center, soccer fields and cross country trail by working to increase funds commitments from supporters.

University of North Carolina – Asheville, Asheville, NC 1981 – 1988

Interim Athletic Director and Associate Athletic Director (1984 – 1988)
Led athletic program including strategic vision, budget, recruiting, hiring. Managed transition from NAIA affiliation to NCAA Division I Big South Conference.
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Head Women's Basketball Coach (1981 – 1984)

Responsible for total program including player development, hiring/supervising staff, recruiting, budget management and maintaining visibility with alumni and media. Coordinated strategy, and provided leadership during games.

- Within four years, built team that won 1984 NAIA National Championship title by setting a strategic vision, recruiting key players, developing innovative game plan, and providing environment for athletes to excel.
- Named NAIA National Coach of year for outstanding achievement in leading a team to national championship within four years.

Basketball and Tennis Coach, University of Tennessee, Martin, TN 1976 – 1978

Basketball, Track and Field Coach, Wayne State College, Wayne, NE 1979 – 1981

EDUCATION

M.A., Athletic Administration, Appalachian State University

- Emphasis in Athletic Administration, Coaching, Recreational Administration

B. S., Health, Physical Education and Recreation, Middle Tennessee University

- Minor in Psychology

PROFESSIONAL AFFILIATIONS

National Association of Collegiate Women Athletic directors (NACWAA)

National Association of Collegiate Directors of America (NACDA)

American Alliance of Health, Physical Education and Recreation

National Association of Girls and Women in Sport

Women's Sports Foundation

Women's Basketball Coaches Association