

The Vermont Snowboarding Case

Case Name: *Bloch v. Bouchey*

Case Status: Complaint and Motion for Preliminary Injunction filed on July 18, 2023

Significance: Whether public school employees can be fired and banned from future employment for respectfully expressing their views on gender and sexuality.



Background: David Bloch is a Roman Catholic who believes that God immutably creates each person as male or female. In 2011, he founded the snowboarding program at Woodstock Union High School in Vermont and has served as head coach since its inception. He wanted to provide an activity to develop athletic, social, and teamwork skills and self-esteem for high school students. Over the years, Coach Bloch has led the snowboarding program to enormous success in terms of both athletic accomplishment and personal growth of his athletes. On February 8th of 2023, Coach Bloch's team attended a competition where a male athlete who identifies as a female competed against females. Two of his students discussed this situation, and Coach Bloch commented—outside the presence of the transgender-identifying snowboarder—that, as a matter of biology, males and females are inherently different. The following day, the Woodstock Central Supervisory Union superintendent terminated Coach Bloch. She further barred him from any further coaching positions. The superintendent told Coach Bloch that he had violated the district's HHB (Harassment, Hazing, and Bullying) policy and Vermont Principals' Association policy simply for saying that males and females are different. The district had adopted the policy from the Vermont Secretary of Education's model policy, developed pursuant to state law. Before terminating him, the district did not give Coach Bloch notice of any allegations against him, a copy of the investigative report, or inform him of his right to appeal—despite the district's policy requiring all those protections. In fact, when she terminated him, the superintendent told Coach Bloch that the investigation into his speech was not complete. Coach Bloch not only suffered a loss of income and reputation, but he also was deprived of his constitutional rights to speak freely about his convictions. Alliance Defending Freedom filed a lawsuit against Windsor Central Supervisory Union's Board, its superintendent, Vermont's Secretary of Education, and the Vermont Principals' Association executive director for unlawfully terminating Coach Bloch pursuant to unconstitutional policies and law for simply expressing his views on gender and sexuality.

Key Points

- No person should lose his job for voicing his convictions.
- Males and females are different – and stating that fact shouldn't have gotten Coach Bloch fired.
- Schools can't force their employees to set aside their religious beliefs to keep their jobs.

Key Facts

- Coach Bloch founded and coached the snowboarding team successfully for years.
- Coach Bloch's team competed against a male athlete who identifies as female. Coach Bloch respectfully spoke to two of his snowboarders who were discussing this topic and asserted that males and females are different.
- When Coach Bloch entered the conversation with two of his athletes, he was engaging in constitutionally protected speech.
- The school district unlawfully terminated Coach Bloch for the content and viewpoint of his speech and without proper procedural protections.

The Bottom Line: Public School employees should not lose their jobs or be banned from future employment for expressing their beliefs.