



Written by [Bob Adelman](#) on January 23, 2024

Vermont Coach Appeals Denial of Lawsuit Over Violation of Free-speech Rights

Attorneys representing Dave Bloch, a former girls' snowboarding coach at Woodstock Union High School, Vermont, filed an appeal on Monday when [a district court denied their request](#) for an injunction against the school.

It all started with a three-minute conversation last February between Coach Bloch and two students. They were preparing for a snowboard competition with another school whose team included a male competing as a female, and the first student said it was unfair for a male, identifying as a female, to compete against other females.



dennisvdw/iStock/Getty Images Plus

The other student took the progressive view and accused the first student of being “transphobic.” Coach Bloch overheard the conversation and joined them, offering his own views on the matter. From the lawsuit:

[Coach Bloch] affirmed that as a matter of biology, males and females have different DNA, which causes males to develop differently from females and have different physical characteristics.

Coach Bloch discussed that biological differences generally give males competitive advantages in athletic events.

Bloch went further, explaining that archeologists analyzing the bones of deceased humans can tell the difference between those of a male and those of a female.

This was enough to get him fired. Under Vermont’s rules on bullying and harassment, adopted by Woodstock, he overstepped the bounds of progressive orthodoxy. The next day he was given his pink slip along with the admonishment that his outrageous (private) comments would prevent him from ever holding any position with Woodstock in the future.

Attorneys from Alliance Defending Freedom (ADF) summed up the injustice in their initial request for an “expedited hearing” on the matter:

When Coach Dave Bloch respectfully offered his view that males and females are different, Defendant Superintendent Sousa fired him.

She accused Coach Bloch of “harassment based on gender identity” merely for “question[ing] the legitimacy and appropriateness” of a teenage male snowboarding against teenage females.

The First Amendment does not allow Defendants to enforce their orthodoxy by firing Coach



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Bloch and chilling the speech of all other employees who share his views.

Coach Bloch spoke as a private citizen in an ongoing nationwide conversation about whether males should compete against females. His three-minute respectful conversation occurred wholly outside the presence of any transgender-identifying snowboarder and caused no disruption.

Yet, the very next day, Defendant Sousa terminated him, while admitting that the investigation into his conversation was incomplete.

Defendants' harassment, hazing, and bullying (RHB) law, policies, and procedures used to justify Coach Bloch's termination are breathtakingly broad, discriminate based on content and viewpoint, and impose a prior restraint.

The initial complaint, and the request for an expedited hearing on it, were filed simultaneously on July 17. On Monday, the district court tossed the request from Bloch:

For purposes of the preliminary injunction, because Plaintiff [Bloch] has not established that his speech was protected by the First Amendment, he has not established a likelihood of success on the merits with regard to his First Amendment retaliation claim

Hence the appeal.

ADF Legal Counsel Mathew Hoffmann has the strongest argument. Back in July Hoffmann said:

For more than a decade, Dave has led the Woodstock Union snowboarding program to enormous success in terms of both athletic accomplishment and personal growth of the snowboarders.

But for merely expressing his views that males and females are biologically different and questioning the appropriateness of a teenage male competing against teenage females in an athletic competition, school district officials unconstitutionally fired him.

The First Amendment ensures Dave, and every other American, can freely express his views on a matter of profound public concern without government punishment.

The New American will continue to track and follow this lawsuit for its readers.

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