



June 15, 2026

**Submitted via EEOC E-File for Attorneys**

U.S. Equal Employment Opportunity Commission  
Miami District Office  
Miami Tower  
100 SE 2nd Street, Suite 1500  
Miami, FL 33131

**Re: *Shepard Scalf, Complaint of Discrimination***

To Whom It May Concern:

Enclosed please find an EEOC Charge of Discrimination submitted on behalf of our client, Shepard Scalf, for discriminatory termination of his employment by his former employer, the St. Johns County School District. Mr. Scalf is an intersex man with XY chromosomes who was constructively terminated by the St. Johns County School District because he was perceived to be transgender due to the incongruence between his male gender identity and female sex assigned at birth, a direct violation of his rights under both the Florida Civil Rights Act and Title VII of the Civil Rights Act of 1964, as interpreted by the Supreme Court in *Bostock v. Clayton County*, 590 U.S. 644 (2020). Mr. Scalf now seeks reinstatement as a remedy for this violation.

Mr. Scalf has retained the American Civil Liberties Union Foundation, the American Civil Liberties Union Foundation of Florida, and the law firm of Chanfrau & Chanfrau P.L. as his counsel.

If you require further information, please feel free to contact me or any of the representatives listed in the charge. Mr. Scalf may not be contacted without first obtaining the consent of counsel.

Sincerely,

/s/ Shana Knizhnik

Shana Knizhnik  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
[sknizhnik@aclu.org](mailto:sknizhnik@aclu.org)

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented to: Agency(ies) Charge No(s):

FEPA  
 EEOC

#### FLORIDA COMMISSION ON HUMAN RELATIONS and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.) Shepard Scalf Home Phone (Incl. Area Code) \_\_\_\_\_ Date of Birth \_\_\_\_\_

Street Address \_\_\_\_\_ City, State and ZIP Code \_\_\_\_\_

Claimant's Attorneys: SKnizhnik@aclu.org, SPast@aclufi.org, and Kelly@Chanfraulaw.com Staff: Amber@Chanfraulaw.com, Katie@Chanfraulaw.com, Blake@Chanfraulaw.com, and Bernadette@Chanfraulaw.com

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name <u>St. Johns County School District/Patriot Oaks Academy</u>	No. Employees, Members <u>6,776</u>	Phone No. (Include Area Code) <u>904-547-7500</u>
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Street Address 40 Orange Street City, State and ZIP Code St. Augustine, FL 32084

Respondent's Attorney if known: Frank D. Upchurch, III  
 Contact information: fdupchurch@ubulaw.com

DISCRIMINATION BASED ON (Check appropriate box(es).)	DATE(S) DISCRIMINATION TOOK PLACE
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN	Earliest _____ X Latest <u>08/29/2025</u>
<input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> GENETIC INFORMATION	<input type="checkbox"/> CONTINUING ACTION
<input checked="" type="checkbox"/> OTHER (Specify below.)	

**THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):**

My name is Shepard Scalf. I am a certified middle school teacher previously employed teaching Language Arts at Patriot Oaks Academy, a K-8 public school in St. Johns County School District. On August 29, 2025, I was fired from my job based on an order from the district superintendent. The principal told me specifically in the firing conversation that my performance was "exemplary," removing any merits-based justification for firing me. At the same time, the district knew both that I have a male gender identity (they gave me a placard saying "Mr. Scalf") and that I was assigned female at birth (based on my employment paperwork). I therefore believe this termination was based on the perception that I am transgender. I am an intersex man with XY chromosomes who was assigned female at birth. I believe my termination was sex discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Florida Civil Rights Act. Please see additional information from my retained counsel attached as Exhibit A.

**\*\*\*The Respondent is on notice to preserve any and all documents relating to Charging Party's Claims, including electronically stored information.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  
**YES.**

NOTARY - When necessary for State and Local Agency Requirements



**ROBIN ANN EVANS**  
 MY COMMISSION # HH 384254  
 EXPIRES: June 16, 2027

Robin Ann Evans  
 Signature

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

06-14-2026 Shepard Scalf  
 Date Charging Party Signature

Shepard Scalf  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)



8. Mr. Scalf did not know, and was not provided with, any information as to what the “emergency meeting” was about. He attended the meeting with a teacher’s union representative, fellow Patriot Oaks employee, Lance Rauh, who recorded the meeting with Principal Chiodo’s consent.
9. During the meeting, Principal Chiodo began by stating how much he appreciated Mr. Scalf both “as a person” and “as an employee,” that Mr. Scalf had “met every expectation” that Principal Chiodo had set for him, and that Mr. Scalf’s performance was “nothing less than exemplary.”
10. Mr. Chiodo continued that he was nonetheless directed to read a letter from the Superintendent of St. Johns County School District to Mr. Scalf.

#### **Letter to Mr. Scalf from St. Johns County School District Superintendent**

11. The letter from St. Johns County School District Superintendent, Dr. Brennan Asplen, that Principal Chiodo was directed to read, stated that under Florida law, as a new employee, Mr. Scalf’s employment was probationary, and he could be dismissed without cause.
12. The letter continued that the St. Johns County School District was recommending that the school board dismiss Mr. Scalf from his employment and that he would be placed on temporary leave pending the school board’s final action at the following board meeting.
13. Then, Mr. Scalf was given the option to either accept this “probationary release” or submit his letter of resignation. Mr. Scalf was well aware that either option would ultimately result in the termination of his employment.
14. Mr. Scalf submitted his resignation after his union representative advised him that a resignation would appear less detrimental to future employers than a termination.
15. Despite Mr. Scalf’s questions, Principal Chiodo gave no reason for the termination, other than reiterating that he was directed to do so by Superintendent Asplen.

#### **Respondent’s Knowledge of Mr. Scalf’s Sex and Gender Identity**

16. Based on new-hire paperwork that Mr. Scalf provided to the District, the District knew that Mr. Scalf was assigned female at birth, or at least that he had a female gender marker on his identification documents.
17. Mr. Scalf’s colleagues at Patriot Oaks also knew that Mr. Scalf lives his life as a man. On his first day of teaching, the school provided a placard for his classroom that stated, “Mr. Scalf.”
18. Upon information and belief, at some point after the District hired Mr. Scalf, the Superintendent or other relevant District decision makers became aware of the incongruence between Mr. Scalf’s gender identity and his sex assigned at birth.
19. Prior to his termination, no one from Patriot Oaks or the District communicated with Mr. Scalf in any way regarding his use of personal titles or pronouns.

20. Following Mr. Scalf’s resignation, he received communications providing evidence that the termination followed complaints from a parent about the perception that Mr. Scalf is transgender.
21. Any such complaints were not founded in actions by Mr. Scalf, who never discussed his gender identity, sex assigned at birth, or intersex status with his students or District officials.

### **Respondent’s Reason for Mr. Scalf’s Termination**

22. Mr. Scalf was not provided with any reason for his termination, nor had he ever received any warnings or disciplinary actions. Indeed, Principal Chiodo disclaimed any performance-based reason for the termination.

### **Discrimination Statement**

23. Respondent St. Johns County School District’s actions were deliberate and discriminatory based on its perception that Mr. Scalf is transgender, which was based on the incongruence between Mr. Scalf’s male gender identity and female sex assigned at birth, a direct violation of his rights under Title VII, as interpreted by the Supreme Court in *Bostock v. Clayton County*, 590 U.S. 644 (2020), and the FCRA.<sup>1</sup>
24. These actions have caused Mr. Scalf significant emotional distress and financial hardship.
25. As a dedicated teacher, Mr. Scalf seeks reinstatement to his position at Patriot Oaks Academy to remedy this discriminatory action.

### **Background on Intersex People**

26. “Intersex” is an umbrella term that applies to people who have a range of innate variations in physical characteristics—*e.g.*, chromosome patterns, hormone function, internal reproductive organs, and external genitalia—that cause their bodies to develop in ways that do not fit typical binary expectations associated with male or female bodies.
27. Intersex is not usually considered a “third” sex category per se, but rather represents the wide range within which innate, physical sex-related characteristics can exist from birth. There are at least 40 different recognized variations—sometimes referred to as “differences in sex development” (DSDs)<sup>2</sup>—under the intersex umbrella.<sup>3</sup> The vast majority of intersex people receive a social gender assignment of either male or female at birth. As with non-intersex people, this assignment is typically made based on the appearance of their external sex characteristics.

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<sup>1</sup> See, *e.g.*, *Castleberry v. Edward M. Chadbourne, Inc.*, 810 So. 2d 1028, 1030 n.3 (Fla. 1st DCA 2002) (“The Florida Civil Rights Act is patterned after Title VII, and therefore federal case law regarding Title VII is applicable.”).

<sup>2</sup> Although the term “disorders of sex development” has been commonly used to describe intersex variations in medical settings since 2005, the non-pathologized term “intersex” is now preferred when describing individuals with such traits. See interACT: Advocates for Intersex Youth, *interACT Statement on Intersex Terminology*, <https://interactadvocates.org/interact-statement-on-intersex-terminology/>.

<sup>3</sup> interACT: Advocates for Intersex Youth, *Intersex Variations Glossary* (2022), <https://interactadvocates.org/wp-content/uploads/2022/10/Intersex-Variations-Glossary.pdf>.

28. Having an intersex variation is not the same as being transgender. Many intersex people identify with their sex assigned at birth, while others do not (and may or may not identify as transgender in addition to being intersex). Likewise, while some transgender people may also have been born with intersex variations, most are not.
29. Intersex variations do not all present the same way; some intersex traits may be discovered at birth, some may not be discovered until puberty or upon medical testing, and some may never be discovered. Although the data varies, an estimated 2% of infants are born with intersex variations.<sup>4</sup>
30. Intersex traits originate from variations in the embryonic development process. Contrary to simplistic understandings of “biological sex” that seek to categorize people based on “the organization of the human body ... for a specific reproductive role,” Fla. Stat. § 456.001(8), sex differentiation is a complex, multi-step process during which otherwise undifferentiated tissue and organs have the potential to diverge along multiple axes due to genetic, hormonal, and other factors.
31. Some intersex people have chromosomal patterns other than XX or XY, while other intersex people have XX or XY chromosomes but develop external characteristics that are unexpected for their karyotype.<sup>5</sup> Many intersex people develop either testes or ovaries while others have gonadal tissue that does not develop into either testes or ovaries. Some intersex variations cause intersex people to produce neither form of gamete (sperm or ova), or produce one or the other, but have an external appearance that does not align with what may be expected based on such gamete production.<sup>6</sup>
32. Intersex people experience high rates of discrimination in society. The discrimination intersex people face is often rooted in similar forms of prejudice and stigmatization faced by individuals within the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community.<sup>7</sup> In addition to broader forms of discriminatory treatment, in spite of shifting medical norms, intersex people also continue to experience nonconsensual medical interventions, often in infancy, to try to “fix” their physical differences.<sup>8</sup>
33. According to 2024 survey data, sixty-five percent of intersex individuals experienced some form of discrimination in the year prior to the survey.<sup>9</sup> The same survey revealed that the

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<sup>4</sup> Brief of interACT: Advocates for Intersex Youth as Amicus Curiae at 5, *United States v. Skrametti*, 605 U.S. 495 (2025), available at [https://www.supremecourt.gov/DocketPDF/23/23-477/323946/20240903152642569\\_23-477%20USA%20v%20Skrametti%20Amicus%20Curiae%20interACT%20Brief%20in%20Support%20of%20Petitioner.pdf](https://www.supremecourt.gov/DocketPDF/23/23-477/323946/20240903152642569_23-477%20USA%20v%20Skrametti%20Amicus%20Curiae%20interACT%20Brief%20in%20Support%20of%20Petitioner.pdf).

<sup>5</sup> “Karyotype” refers to “an individual’s complete set of chromosomes.” National Human Genome Research Institute, *Karyotype* (2026), <https://www.genome.gov/genetics-glossary/Karyotype>.

<sup>6</sup> For more details regarding intersex variations, see generally interACT Brief, *supra* note 4, at 5-11.

<sup>7</sup> Out & Equal Workplace Advocates & interACT: Advocates for Intersex Youth, *Supporting Intersex Inclusion in the Workplace* (Oct. 26, 2020), <https://interactadvocates.org/wp-content/uploads/2020/10/SupportingIntersexInclusionInTheWorkplace.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> Center for American Progress, *The Intersex Community Faced Significant Barriers and Challenges in 2024* (June 25, 2025), <https://www.americanprogress.org/article/the-intersex-community-faced-significant-barriers-and-challenges-in-2024/>.

highest rates of discrimination intersex people faced were in the workplace, with thirty-two percent of intersex people experiencing some form of discrimination at work.<sup>10</sup>

Respectfully submitted,

/s/ Shana Knizhnik

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<sup>10</sup> *Id.*