

## OCR Complaint – Title IX Discrimination & Retaliation

Complainant:

Rita [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Northside Independent School District (NISD)  
Aquatics Department  
8400 N. Loop 1604 W.  
San Antonio, TX 78249

Date: September 8, 2025

### I. Nature of Complaint

I am filing a complaint against Northside ISD Aquatics for discrimination and retaliation in violation of Title IX of the Education Amendments of 1972 and related federal protections.

NISD, which receives federal funds, has:

1. Denied women equal participation opportunities by enforcing USMS's transgender eligibility policy at a taxpayer-funded facility.
2. Compelled ideological association by requiring Masters swimmers to join USMS, a private nonprofit, in order to participate.
3. Retaliated against me for raising these concerns by abruptly dissolving the Masters swimming program, which has existed for nearly 50 years.

### II. Facts Supporting the Complaint

- At the 2025 USMS Spring Nationals in San Antonio, I competed in the Women's 45-49 division against two transgender women (biological males): Hugo "Ana" Caldas and Jennifer Rines. Both displaced biological women in multiple races, specifically "Ana" who swept all five events, crushing the second-place female by more than 3-4 seconds on most races.

- These transgender competitors also had open access to women's restrooms and locker rooms during the meet. NISD Aquatics has a posted policy stating: "No boys of any age allowed in the women's locker room at any time." However, administrators admitted they "did not know" trans women were entered in the meet, making it impossible to enforce this rule.

- USMS also issues National Qualifying Times (NQTs) for Nationals every two years, based on the top 10 performance times in each gender/age group. Because transgender women (biological males) are allowed to compete as biological women, these times are artificially

lowering the NQTs, and USMS is allowing trans women to keep their times and awards.

- In 2023, I achieved NQTs in the 50 breaststroke and 100 breaststroke.
  - In 2025, the standards dropped dramatically: ~5 seconds faster in the 100 free, 13 seconds in the 200 free, 7 seconds in the 100 breast and 100 back, and 3 seconds in the 50 breast and 50 back, and a whopping 49 seconds faster on the 200 back. This much variance suggests major outliers, such as other unexposed transwomen competing to skew the times.
  - In some cases, such as the Women's 60–64 1650 freestyle, the required NQT was faster than the Women's 18–24 standard, which is biologically impossible absent male influence.
- As a result, I lost my qualifying status not because of declining performance but because of artificially inflated standards caused by male competitors being counted as women.

- On July 29, 2025, NISD administrator Brandon "BJ" Allenstein emailed Masters swimmers: "We are still a USMS team. If you don't like [it], you do not need to register... it will be a requirement starting September 1." After his statement, BJ included a lengthy email from USMS CEO, Dawson Hughes, which provides specific actions we should all take to help combat the negative press revolving around their transgender policy. NISD administrator, BJ, was reinforcing the CEO's ideological message.

- On July 31, 2025, BJ reiterated: "I know some of you feel very strongly about how USMS has handled the SC USMS Nationals situation. If you do not want to be a part of the organization, that is your choice. NISD Aquatics will continue to be a part of the USMS organization and being an active member will be required to be part of the practices."

- This shows NISD's direct enforcement of USMS's policies. By requiring USMS membership at a taxpayer-funded facility, NISD has imported the rules of a private nonprofit into its programming, making public access contingent on compliance with USMS ideology and policies.

- On August 26, 2025, two others and I addressed the NISD School Board, raising concerns about forced USMS membership and violations of women's rights and my religious beliefs. I proposed a simple resolution: allow Masters swimmers the option to swim with the NISD Masters Team without mandatory USMS enrollment.

- Following the meeting, I had a call with NISD's Superintendent Dr. John Craft, who was aggressive and dismissive stating, "This doesn't involve us. It's not our issue." But instead of considering this solution, gathering community input, or reviewing facts, NISD abruptly canceled the Masters swimming program within 48 hours.

- This program has existed for nearly 50 years. A successful program is not dissolved overnight without extensive meetings and community involvement. The sudden cancellation demonstrates retaliation against me and others for exercising our rights.

### III. Harm Suffered

- Excluded from Masters swimming at my home pool, despite swimming being my only safe form of exercise due to orthopedic injuries.

- Lost opportunities for fair competition, privacy, dignity, and advancement in my sport.

- National qualifying standards have been skewed against women, reducing access to high-

level competition.

- Retaliation eliminated a long-standing program, chilling anyone else from speaking up.
- I have suffered emotional distress and social harm as a result of NISD's retaliation. Several former teammates, who were previously friends, now blame me personally for the program's closure and have sent hostile messages such as: "Your actions helped close the Masters program... this is being selfish and only thinking of you" and "Many swimmers are very upset with you."
- I have been ostracized by teammates, ignored at practices, and accused of being the reason others lost their swimming community — even though it was NISD that shut down the program. This has caused me severe stress, frequent tears, and physical symptoms such as hair loss, stomach aches and anxiety.

#### IV. Legal Basis

- Title IX – Prohibits sex discrimination in federally funded educational programs.
- Title IX Retaliation – Independently prohibits retaliation against individuals who raise discrimination concerns.
- Equal Protection Clause (14th Amendment) – Women athletes denied equal treatment.
- Religious Freedom Restoration Act (RFRA) of 1993 protects individuals' rights to exercise their religion by requiring strict scrutiny for any law/policies that substantially burdens religious practices or beliefs.
- First Amendment – Free exercise and free association rights are violated when participation is conditioned on forced membership in USMS.
- While USMS is a private nonprofit, NISD's enforcement of USMS policies at a federally funded facility makes these actions attributable to NISD under Title IX and the Constitution.

#### V. Requested Relief

1. OCR investigation into NISD for discrimination and retaliation.
2. Reinstate the Masters swimming program at the Natatorium.
3. Prohibit NISD from conditioning participation on USMS membership.
4. Restore equal opportunity, privacy, and protections for women Masters athletes.
5. Remedies for retaliation ensuring no further adverse actions are taken against complainants.

Signature:

Rita [REDACTED]

*Rita* [REDACTED]

Date: September 8, 2025