

**ADMINISTRATIVE APPEAL UNDER  
GENERAL STATUTES SECTION 4-183 —  
NOTICE OF FILING**  
(For use when service is made by certified  
or registered mail)

JD-CV-137 Rev. 10-15  
C.G.S. § 4-183; P.B. § 14-7A

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov



**Instructions to Person Appealing Decision:**

1. Serve, in accordance with applicable law, a copy of the Appeal and this Notice of Filing by certified or registered mail on the agency that made the decision that is being appealed at the address of the agency or, if allowed by law, at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut.
2. Also serve a copy of the Appeal and this Notice of Filing by certified or registered mail on each party named in the decision of the agency at the address of the party contained in the decision.
3. File the Appeal and this Notice of Filing with the Clerk of the Superior Court for the Judicial District of New Britain or for the Judicial District in which the person appealing resides or, if that person is not a resident of this state, with the Clerk of the Judicial District of New Britain.

Name of case (Plaintiff v. Defendant) <b>Yale University vs. Connecticut State Codes and Standards Committee</b>		Case type code (See reverse for codes) Major: <b>A</b> Minor: <b>90</b>
Judicial District <b>New Haven at New Haven</b>	Address of Court <b>235 Church St., New Haven, CT 06510</b>	Telephone number of Court (with area code) <b>(203) 503-6800</b>

Number of Plaintiffs: **1**      Number of Defendants: **1**       Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: <b>Yale University</b> Address: <b>2 Whitney Avenue, New Haven, CT 06510</b>	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: <b>Connecticut State Codes and Standards Committee</b> Address: <b>450 Columbus Boulevard, Suite 1303, Hartford, CT 06103</b>	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

**Notice To Defendant**

1. The Plaintiff will file the attached Appeal of a final administrative decision. The Appeal attached to these papers states the claims that each Plaintiff is making.
2. **To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address within thirty (30) days of the mailing of the Appeal. You do not have to come to court on that date unless you receive a separate notice telling you to come to court.**
3. If you do not file an "Appearance" in a timely manner, the Court is authorized to enter a sanction against you.
4. The "Appearance" form may be obtained at the Court address above or at [www.jud.ct.gov](http://www.jud.ct.gov) under "Court Forms."
5. If you have questions about the Notice of Filing and the Appeal, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signature (Sign and "x" proper box) 	<input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Attorney for Plaintiff	Name of person signing at left <b>Joseph L. Hammer, Esq.</b>	Date <b>6/23/17</b>
---	--	---	------------------------

For Court Use Only	
File Date	
Docket number	

**ADA NOTICE**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at [www.jud.ct.gov/ADA](http://www.jud.ct.gov/ADA).

RETURN DATE: JULY 25, 2017 : SUPERIOR COURT  
YALE UNIVERSITY : J.D. OF NEW HAVEN  
VS. : AT NEW HAVEN  
CONNECTICUT STATE CODES AND :  
STANDARDS COMMITTEE : JUNE 23, 2017

**PETITION FOR ADMINISTRATIVE APPEAL**

TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF NEW HAVEN AT NEW HAVEN ON THE 23rd DAY OF JUNE, 2017, COMES YALE UNIVERSITY, APPEALING PURSUANT TO SECTIONS 29-254(B) AND 4-183 OF THE CONNECTICUT GENERAL STATUTES FROM A DECISION OF THE CONNECTICUT STATE CODES AND STANDARDS COMMITTEE, AND COMPLAINS AND SAYS:

1. Pursuant to Sections 29-254(b) and 4-183 of the Connecticut General Statutes, Plaintiff Yale University (the “University” or the “Plaintiff”) hereby appeals from a final decision of Defendant Connecticut State Codes and Standards Committee (the “Codes and Standards Committee”) dated May 11, 2017 and postmarked May 12, 2017 in a proceeding designated as No. A-3-17.

2. The University, which exists pursuant to special charter and legislation, is a non-profit educational institution located in New Haven, Connecticut offering a variety of undergraduate and graduate programs. The University operates the Yale Law School (the “Law School”) at the Sterling Law Building located at 127 Wall Street in New Haven, Connecticut. The Sterling Law Building, which is owned by the University, was built in the 1920s.

3. The Codes and Standards Committee is an agency of the State of Connecticut which, pursuant to General Statutes Section 29-254(b), has jurisdiction and authority to hear and decide appeals from determinations of the State Building Inspector involving requests for variations or exemptions from the Connecticut State Building Code. Section 29-254(b) further provides that any person aggrieved by any ruling of the Codes and Standards Committee may appeal to the Superior Court.

4. The 2016 current Connecticut State Building Code (the "Code") requires a certain number of bathroom fixtures to be provided in each building, and that single-user restrooms be designated and assigned by gender in order to be credited towards the required fixture counts. As to existing buildings, the Code prohibits a reduction in such gender designated and assigned fixtures below the number which would be required for new construction.

5. By request dated December 5, 2016, the University, through its agent and code consultant Philip Sherman, submitted to the Office of the State Building Inspector a request for modification of Sections 2902.2 and 2902.4 of the International Building Code portion of the Code to allow discontinuance of identification by gender of most single-user restrooms (with the exception of some which remain accessible by staff and faculty only) in the Sterling Law Building while continuing to permit the fixtures in these restrooms to contribute to the fixture counts required by the Code.

6. During the 2015-16 school year, Law School students and others in the Law School community had expressed strong support to shift the subject single-user restrooms from gender specific to gender neutral. Some of the student proponents of the shift had reported being made to feel uncomfortable when using gender specific bathrooms. The proposed shift in designation to gender neutral and associated Code modification would facilitate quick access to a bathroom within the building for persons of all gender identities, eliminate discomfort expressed by trans and gender non-conforming Law School students in using gender specific restrooms and promote the equal treatment of trans and gender non-conforming students. The University supported moving forward with a request for Code modification.

7. By letter dated December 23, 2016, and postmarked December 28, 2016, the Deputy State Building Inspector denied the request for modification.

8. By letter dated January 27, 2017, the University, through its agent and code consultant Philip Sherman, notified the State Codes and Standards Committee of its intent to appeal the decision of the Office of the State Building Inspector.

9. On or about February 11, 2017, documentary evidence was submitted to the Codes and Standards Committee in support of the University's appeal, including a Statement of Yale University in Support of the Appeal, a statement regarding student hardship submitted by the Yale Law School Gender Neutral Bathrooms Advocacy Committee, Yale Law School student testimonials regarding the need for gender neutral bathrooms, and an

open letter regarding gender neutral bathrooms signed by numerous Law School related student groups, individual Law School students and faculty members.

10. A three member panel of the Codes and Standards Committee held a hearing on the appeal on March 8, 2017 at which testimony and argument was submitted in further support of the University's appeal.

11. The documents submitted and testimony offered at the hearing before the Codes and Standards Committee showed that it is not feasible to convert the subject restrooms to gender neutral and simultaneously construct additional restrooms so as to maintain the required Code counts due to a number of factors, including programming and space constraints within the Sterling Law Building and the impacts that would result to the architecturally significant interior spaces of the building. Further, use of single-user restrooms as gender neutral facilities as was proposed would provide adequate restroom facilities to serve the building and its occupants and meet the intent of the Code to provide a sufficient number of bathroom fixtures.

12. The proposed Code modification request and use of gender neutral single-fixture restrooms is in accord with the anticipated 2018 version of the International Plumbing Code which will require single-occupant restrooms to be identified "... for use by either sex." The request is also in keeping with provisions enacted by a number of cities requiring gender neutral restrooms, including the City of New York (Local Law No. 79 of 2016 - an amendment to the City's plumbing and building codes requiring all "single-

occupant toilet rooms” to be gender neutral), Washington, D.C., Austin, Texas and San Francisco, California. Further, the request for modification is consistent with legislation enacted and public policy expressed in Connecticut Public Act 2011-55, which amended a number of existing statutes in various subject areas in order to prevent discrimination on the basis of gender identity.

13. The evidence submitted in support of the appeal to the Codes and Standards Committee established that strict compliance with the Code would entail practical difficulty or unnecessary hardship and is unwarranted, that the intent of the Code would be observed and public welfare and safety assured if the requested exemption were granted, and that the proposed use of gender neutral single-user restrooms would constitute equivalent or alternative compliance under the Code.

14. By Final Decision dated May 11, 2017 and mailed on May 12, 2017, the Codes and Standards Committee Panel, by a vote of 2 in favor and 1 opposed, denied the appeal and affirmed the State Building Inspector’s decision.

15. The University has exhausted all administrative remedies available within the agency and is aggrieved by the decision. The University is aggrieved by virtue of its ownership of the property that is the subject of and impacted by the Codes and Standards Committee decision, its operation of the Yale Law School that is impacted by the decision, and the impacts on Law School students.

16. Substantial rights of the University have been prejudiced because the administrative findings, inferences, conclusion and decision of the Codes and Standards Committee are:

- (a) in violation of statutory provisions including General Statutes Sections 29-254(b) and 4-180(c);
- (b) in excess of the statutory authority of the Codes and Standards Committee including General Statutes Sections 29-254(b) and 4-180(c);
- (c) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
- (d) arbitrary and capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; and/or
- (e) affected by other error of law.

WHEREFORE, Plaintiff Yale University respectfully requests that this Court:

1. Sustain this appeal;
2. Reverse the decision of the Codes and Standards Committee;
3. Enter a judgment modifying the decision of the Codes and Standards

Committee so as to grant the University's request for Code modification and/or ordering the granting of the University's request for Code modification; and

4. Grant such other relief in law or in equity as is required or appropriate.

PLAINTIFF, YALE UNIVERSITY

By: 

Joseph L. Hammer  
Day Pitney LLP  
One Audubon Street  
New Haven, CT 06511  
(203) 752-5000  
jlhammer@daypitney.com  
Juris No.: 423028  
Its Attorneys