NCLR

NATIONAL CENTER FOR LESBIAN RIGHTS

AthleteAlly
Victory Through Unity.

First Line of Defense:
Essential Legal Protections for LGBT Coaches and Staff

Resources for: Br{ache the Silence Friends of Inclusion
WBCA: Adopting Transgender Policies, April 3, 2-3pm
Approaches to Intra-team Dating and Relationships, April 4, 1:30-2:30

There have been many advances in lesbian, gay, bisexual, and transgender (LGBT) civil rights. From national marriage equality to increased employment protections, LGBT people are taking bold steps toward achieving equal treatment in all fields, including athletics. However, in order to protect your rights, you must first know what they are—at the federal level, at the state and county or city level, and at your employment institutions.

Below is an overview of the statewide protections LGBT coaches and staff can use to protect themselves at work and on the road.

Specific Employment Non-Discrimination Protections:

- Employment non-discrimination laws protect people from being discriminated against or harassed (e.g. hiring, firing, promotions, verbal abuse, threats, sexual assault, etc.) in the workplace. Almost half of LGBT people live in states that have statewide employment protections for discrimination based on sexual orientation and/or gender identity. (See map pg. 4)

  ☑ **19 states and D.C.** have legislation that expressly protects employees from discrimination based on sexual orientation **and** gender identity

  ☑ **3 states** have legislation that expressly protects employees from discrimination based on sexual orientation only (not gender identity)

  ☑ Federal law protects employees from employment discrimination based on sexual orientation or gender identity as a form of sex discrimination. All employees are also protected from harassment that is sexual in nature.

Note (Local Protection): While a state might lack *statewide* protections, an employee might have employment discrimination protections under a local *city or county* ordinance. For example, while Georgia does not have statewide LGBT protections, the city of Atlanta provides protections to LGBT people.

Note (Federal Employment Discrimination Claims): Title VII is a federal employment nondiscrimination law that prohibits many employers from discriminating against employees for prohibited reasons. Courts have said Title VII prohibits discrimination on the basis of sexual

orientation or gender identity as a form of **sex discrimination**. Also, recent Equal Employment Opportunity Commission (EEOC) decisions have said that an employee may have a **Title VII claim** against an employer who discriminates on the basis of sexual orientation and/or gender identity. These claims have time-limits. So, it is important that you reach out to a legal professional for legal advice as soon as possible or contact the EEOC if you are facing discrimination in the workplace.

General LGBT Non-Discrimination Protections:

- General non-discrimination laws protect LGBT people from a broad array of commonplace discrimination. This includes discrimination in housing, credit/lending, health care, family recognition, education, and public accommodations (e.g., businesses open to the public). Currently, these laws are found at the state and local city level. Most states, however, lack general LGBT non-discrimination laws.

  ☑ **16 states and D.C.** have **full** non-discrimination protections based on sexual orientation **and** gender identity

  ☑ **3 states** have **full** non-discrimination protections based on sexual orientation only

  ☑ There is **some federal law** that protects LGBT people from discrimination in certain contexts including housing and healthcare. You should talk to an attorney about what federal protections might apply to your situation.

Note: Institutional Protections:

- Increasingly, universities are implementing institutional LGBT protections for students, faculty, and staff. These institutional protections could provide coaching staff and administration with LGBT employment protections even if no state or local LGBT employment protections exist. Not sure if your school has such a policy? There are several places you can check:
  - University Employee Handbook
  - Athletics Department HR Handbook
  - University nondiscrimination statement

  We encourage you to regularly review your institution's HR materials for updates in their nondiscrimination policies.

Note: Other Protections:

In addition to anti-discrimination laws, there may be other general legal protections you have. For example, if an employer has withheld your pay or refused to honor your contract, you may

have rights under state or federal labor or contract laws, or if a supervisor has physically or sexually assaulted you, you may have rights under your state tort laws to seek compensation for the harm you suffered as a result.

Protect Yourself

The first step to protecting yourself against employment discrimination is knowing your rights. But if you are facing a difficult situation at work, there are actions you can take to protect yourself:

- Document concerning work-related incidents
- Preserve any written records of work reviews or misconduct
- Preserve copies of any complaints you made about what happened
- Make notes about phone calls or in person conversations about what happened while the details are still fresh in your mind
- Call the National Center for Lesbian Rights for help in understanding your legal rights or to help find an LGBT-friendly attorney. You can reach them at 1.800.528.6257 or info@nclrights.org.

Have questions or concerns?

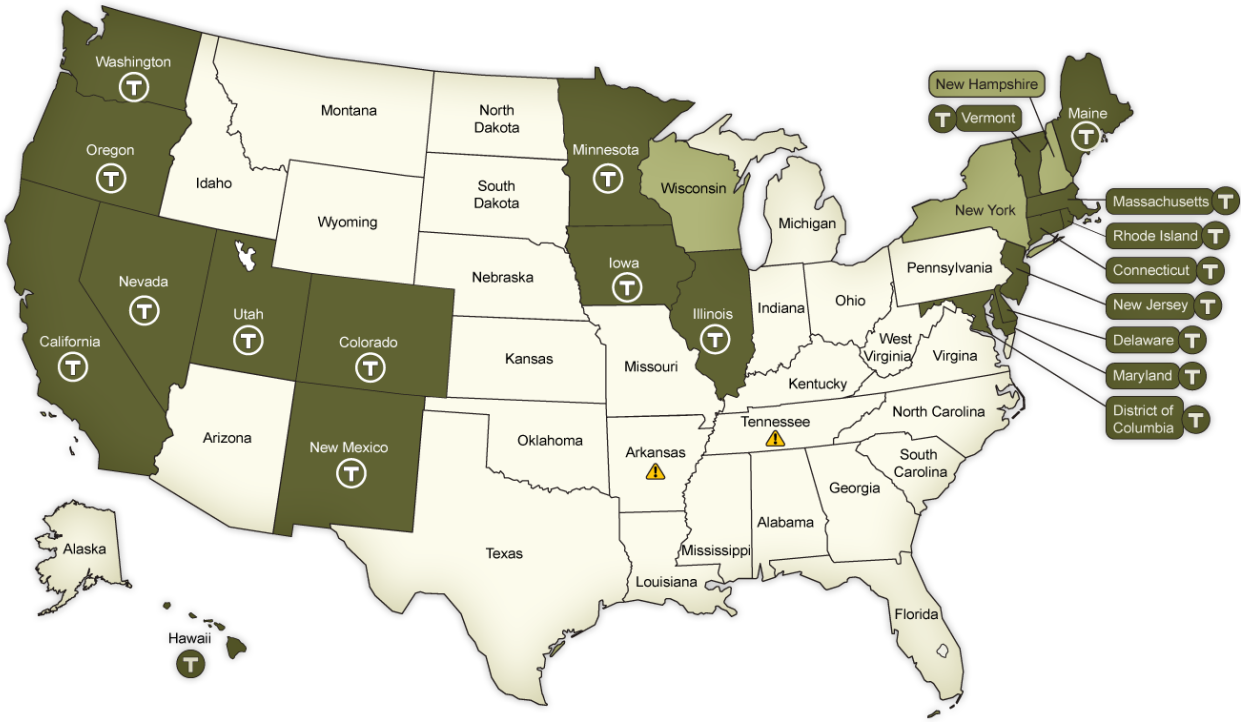
- If you have questions about an employment situation, are facing or have faced LGBT discrimination in any area, or want to know about how to make your athletic program more inclusive, contact:

    - Helen Carroll, Sports Project Director, National Center for Lesbian Rights hcarroll@nclrights.org I 415.392.6257
    - Ashland Johnson, Esq., Policy Director, Athlete Ally ashland.johnson@athleteally.org I 404.723.1675

The **National Center for Lesbian Rights** is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education. The Sports Project, established in 2011, aims to ensure that lesbian, gay, bisexual, and transgender players, coaches, and administrators receive fair and equal treatment—free of discrimination.

Athlete Ally's mission is to educate and activate athletic communities to eliminate homophobia and transphobia in sports and to exercise their leadership to champion LGBT equality. Founded in 2011, Athlete Ally has worked with sports leagues and teams on matters of LGBT respect and inclusion; led the Principle 6 campaign that helped convince the International Olympic Committee to include sexual orientation in the non-discrimination clause of the Olympic Charter; and counts more than 145 college, professional, and Olympic athletes among its dedicated and active Ambassadors.

Map of LGBT Employment Protections:



Employment non-discrimination law covers sexual orientation and gender identity (19 states + D.C.)

Employment non-discrimination law covers only sexual orientation, though federal law offers some protections (see note) (3 states)

No employment non-discrimination law covering sexual orientation or gender identity, though federal law offers some protections (see note) (28 states)

State has law preventing passage or enforcement of local nondiscrimination laws

- See more at: http://www.lgbtmap.org/equality-maps/non_discrimination_laws#sthash.WYaLN2bk.dpuf

Source: LGBTmap.org