

# Case Law: Transgender People and Discrimination

---

Over the last twenty years, numerous federal courts have ruled that federal sex discrimination laws apply to discrimination against transgender people. **House Bill 1933** would stand in direct violation of these well-established legal precedents.

## Violations under the Affordable Care Act

[Prescott v. Rady Children's Hospital-San Diego](#), --- F.Supp.3d ---, 2017 WL 4310756 (S.D. Cal. Sept. 27, 2017) (holding that discrimination against transgender patients violates the Affordable Care Act).

[Smith v. Avanti](#), --- F.Supp.3d ---, 2017 WL 1284723 (D. Colo. Apr. 5, 2017) (holding Fair Housing Act prohibited discrimination against a transgender woman and partner).

[Cruz v. Zucker](#), 195 F.Supp.3d 554 (S.D.N.Y. Jul. 5, 2016) (holding that discrimination on the basis of gender identity is sex discrimination under Section 1557 of the Affordable Care Act).

[Rumble v. Fairview Health Servs.](#), No. 14-cv-2037, 2015 WL 1197415 (D. Minn. Mar. 16, 2015) (holding that discrimination against hospital patient based on his transgender status constitutes sex discrimination under Section 1557 of the Affordable Care Act).

## Constitutional violations under the Equal Protection Clause of the Fourteenth Amendment

[Doe v. Trump](#), --- F.Supp.3d ---, 2017 WL 4873042 (D.D.C. Oct. 30, 2017) (discrimination against transgender people is gender-based discrimination under the Equal Protection Clause of the Constitution).

[Whitaker v. Kenosha Unified School District](#), 858 F.3d 1034 (7th Cir. May 30, 2017) (holding that discrimination against transgender students constitutes sex discrimination under Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the U.S. Constitution).

[Brown v. Dept. of Health and Hum. Servs., No. 8:16DCV569, 2017 WL 2414567](#) (D. Neb. June 2, 2017) (holding that discrimination against transgender people constitutes sex discrimination that is subject to heightened scrutiny under the Equal Protection Clause of the Constitution).

[Evancho v. Pine-Richland Sch. Dist.](#), --- F.Supp.3d ---, 2017 WL 770619 (W.D. Pa. Feb. 27, 2017) (holding that excluding transgender students from restrooms consistent with their gender identity likely constitutes sex-based discrimination in violation of the Equal Protection Clause).

[Bd. of Ed. of Highland Local Sch. Dist. v. U.S. Dep't of Educ.](#), 2016 WL 5372349, --- F.Supp.3d --- (S.D. Ohio Sept. 26, 2016) (holding that excluding transgender student from restrooms consistent with her gender identity likely constituted sex-based discrimination under Title IX and the Equal Protection Clause), stay pending appeal denied sub nom, [Dodds v. U.S. Dep't of Educ.](#), 845 F.3d 217 (6th Cir. 2016).

[Glenn v. Brumby](#), 663 F.3d 1312 (11th Cir. 2011) (holding that termination of employee based on her gender transition, transgender status and unsubstantiated "bathroom concerns" constitutes sex-based discrimination in violation of the Equal Protection Clause of the U.S. Constitution).

## Civil rights violations under Title VII and Title IX

[E.E.O.C. v. Rent-a-Center East, Inc.](#), --- F.Supp.3d ---, 2017 WL 4021130 (C.D. Ill. Sept. 8, 2017) (holding that discrimination against transgender workers violates Title VII).

[Whitaker v. Kenosha Unified School District](#), 858 F.3d 1034 (7th Cir. May 30, 2017) (holding that discrimination against transgender students constitutes sex discrimination under Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the U.S. Constitution).

[Mickens v. Gen. Elec. Co.](#), No. 16-603, 2016 WL 7015665 (W.D. Ky. Nov. 29, 2016) (holding termination of employee based on his transgender status violates Title VII).

[Roberts v. Clark Cty. Sch. Dist.](#), No. 2:15-cv-00388, 2016 WL 5843046 (D. Nev. Oct. 4, 2016) (holding that excluding transgender employee from restrooms consistent with his gender identity constitutes sex-based discrimination under Title VII).

[Students & Parents for Privacy v. U.S. Dep't of Educ.](#), No. 16-cv-4945, 2016 WL 6134121 (N.D. Ill. Oct. 18, 2016) (recommendation by magistrate judge, holding that non-transgender students who objected to school district's policy permitting transgender students to use facilities consistent with their gender identity do not have a viable claim to challenge the policy under Title IX).

[Bd. of Ed. of Highland Local Sch. Dist. v. U.S. Dep't of Educ.](#), 2016 WL 5372349, --- F.Supp.3d --- (S.D. Ohio Sept. 26, 2016) (holding that excluding transgender student from restrooms consistent with her gender identity likely constituted sex-based discrimination under Title IX and the Equal Protection Clause), stay pending appeal denied sub nom, [Dodds v. U.S. Dep't of Educ.](#), 845 F.3d 217 (6th Cir. 2016). [Whitaker v. Kenosha Unified School District](#), No. 16-CV-943-PP, 2016 WL 5239829 (E.D. Wis. Sept. 22, 2016) (holding that excluding transgender student from restrooms consistent with his gender identity likely constitutes sex-based discrimination under Title IX).

[Dodds v. U.S. Dept. of Education](#), 845 F.3d 217 (6th Cir. 2016) (holding that discrimination against transgender students likely constitutes sex discrimination under Title IX of the Education Amendments Act of 1972 and the Equal Protection Clause of the U.S. Constitution).

[Fabian v. Hosp. of Cent. Conn.](#), 172 F.Supp.3d 509 (D. Conn. Mar. 18, 2016) (holding that discrimination based on transgender status of a job applicant constitutes sex-based discrimination under Title VII).

[Doe v. State of Ariz.](#), No. CV-15-02399-PHX-DGC, 2016 WL 1089743 (D. Ariz. Mar. 21, 2016) (holding discrimination against a transgender employee constitutes sex-based discrimination under Title VII)

[Dawson v. H&H Elec., Inc.](#), No. 4:14CV00583 SWW, 2015 WL 5437101 (E.D. Ark. Sept. 15, 2015) (holding that termination of an employee based on transgender status and gender transition constitutes discrimination based on sex under Title VII).

[U.S. v. S.E. Okla. State Univ., No. CIV-15-324-C, 2015 WL 4606079](#) (holding that harassment, health insurance exclusion, and termination based on gender transition constituted sex stereotyping discrimination under Title VII).

[E.E.O.C. v. R.G. & G.R. Harris Funeral Homes, Inc.](#), 100 F.Supp.3d 594 (E.D. Mich. 2015) (holding that termination of employee based on her gender transition constitutes sex-based discrimination under Title VII).

[Finkle v. Howard Cty.](#), 12 F.Supp.3d 780 (D. Md. 2014) (holding a claim of discrimination based gender identity constitutes sex discrimination under Title VII).

[Schroer v. Billington](#), 577 F. Supp. 2d 293 (D.D.C. 2008) (holding that withdrawal of job offer based on applicant's gender transition constitutes sex-based discrimination under Title VII of the 1964 Civil Rights Act).

[Lopez v. River Oaks Imaging & Diagnostic Group, Inc.](#), 542 F.Supp.2d 653 (S.D. Tex. 2008) (holding that withdrawal of job offer based on transgender status constitutes sex discrimination under Title VII).

[Mitchell v. Axcan Scandipharm, Inc.](#), No. Civ.A. 05-243, 2006 WL 456173 (W.D. Pa. 2006) (holding that claim of harassment targeting transgender employee constituted discrimination based on sex stereotypes under Title VII).

[Barnes v. City of Cincinnati](#), 401 F.3d 729 (6th Cir. 2005) (holding that termination of employee based on her gender transition constitutes sex-based discrimination under Title VII of the 1964 Civil Rights Act).

[Smith v. City of Salem](#), 378 F.3d 566 (6th Cir. 2004) (holding that termination of employee based on her gender transition constitutes sex-based discrimination under Title VII).

[Tronetti v. Healthnet Lakeshore Hosp.](#), No. 03-CV-0375E, 2003 WL 22757935 (W.D.N.Y. Sept. 26, 2003) (holding claim of discrimination based on gender transition constitutes sex discrimination under Title VII).

### **Other violations of federal anti-discrimination laws**

[Rosa v. Park West Bank & Trust Co.](#), 214 F.3d 213 (1st Cir. 2000) (holding that refusal to serve transgender customer constitutes sex-based discrimination under the Equal Credit Opportunity Act).

[Schwenk v. Hartford](#), 204 F.3d 1187 (9th Cir. 2000) (holding that the Gender Motivated Violence Act (GMVA) applied to targeting of a transgender person).