



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC  
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103  
(801) 521-9862 PHONE • (801) 532-2850 FAX  
ACLU@ACLUUTAH.ORG • WWW.ACLUUTAH.ORG

## **ACLU of Utah Files Amicus Brief on Behalf of Transgender Employee**

### **FOR IMMEDIATE RELEASE**

October 5, 2005

SALT LAKE CITY, UTAH -- The American Civil Liberties Union of Utah announced today that it has filed a friend-of-the-court brief in an important case regarding the rights of transgender employees.

The brief is on behalf of Krystal Etsitty, a former Utah Transit Authority employee, who was fired shortly after she revealed to her employers that she is a transsexual. Although UTA had received no complaints about Etsitty, her employers informed her that she was being terminated because they could not determine which restroom she should use.

Etsitty, represented by the law firm of Strindberg Scholnick & Chamness, argued in federal court that she was protected by Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on sex, including nonconformity to sex stereotypes. In June 2005, the district court granted summary judgment to UTA, holding that transsexuals are not protected by Title VII, and that even if Title VII did apply, UTA's decision was not based on Etsitty's lack of conformity to sex stereotypes. Etsitty has now asked the Tenth Circuit Court of Appeals to reverse the district court's decision.

Etsitty, who identifies and lives as a woman, has legally changed her name from Michael to Krystal and has changed her Utah driver's license designation from male to female. UTA told her she would be eligible for rehire only after undergoing sex reassignment surgery.

"Like all employees, transgender people are protected by Title VII and they should not be fired because they don't fit their employers' ideas of masculinity or femininity," said Margaret Plane, ACLU of Utah staff attorney. "There is no principled distinction between discrimination against a female employee because of her unfeminine personality or appearance, and discrimination against a transsexual woman, either for retaining some masculine characteristics or for assuming a feminine identity."

The amicus brief notes that the denial or restriction of access to restrooms by employers has been used as a means to degrade and humiliate persons of color, to exclude women from traditionally male jobs, to exploit workers, to exclude persons with disabilities from access to public accommodations and employment, and now to discriminate against transgender people.

The ACLU of Utah is joined by the national ACLU Lesbian and Gay Rights Project, Lambda Legal Defense and Education Fund, and the National Center for Lesbian Rights.

The amicus brief is available online at [www.acluutah.org/docket.htm#etsitty](http://www.acluutah.org/docket.htm#etsitty).

--end--