

FAQs continued . . .

4) DOES THE LAW PROHIBIT SEX-SEGREGATED RESTROOMS?

No. It is perfectly legal in Vermont for businesses to maintain sex-segregated restrooms. The Human Rights Commission interprets the law to require that an individual be permitted to access restrooms in accordance with his/her gender identity, rather than his/her assigned sex at birth. Just as a non-transgender individual is entitled to use a restroom appropriate to his/her gender identity without having to provide documentation or to respond to invasive questions, a transgender individual must also be allowed to use a restroom in accordance with his/her gender identity without being questioned or harassed.

5) DOES THE LAW APPLY TO CHURCHES AND OTHER HOUSES OF WORSHIP?

Sometimes. The Human Rights Commission interprets the law to exempt religious institutions with respect to any religion-based qualifications when such qualifications are related to a *bona fide* religious purpose. Where qualifications are not related to a *bona fide* religious purpose (such as a child care facility operated in a church building and available to the public), religious institutions are subject to the provisions of these laws.

If you believe you have been discriminated against, you can learn how to file a complaint with the Human Rights Commission by contacting us by telephone or e-mail, or by going to our website to download a complaint form; contact information is listed below. You have one year from the date of an alleged act of public accommodations discrimination to file a complaint with the Human Rights Commission.

Vermont Human Rights Commission

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Montpelier, VT 05633-6301

Phone: 800-416-2010, 802-828-2480
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*Vermont Human Rights
Commission*

SEX, SEXUAL ORIENTATION AND GENDER IDENTITY: A Guide to Vermont's Anti-Discrimination Law for Stores, Restaurants, Schools, Professional Offices and other Places of Public Accommodation



Vermont law:

It is unlawful in Vermont for a public accommodation to discriminate because of a person's sex, sexual orientation or gender identity. It is also illegal to discriminate because of other protected categories, such as an individual's race, color, religion, disability, marital status or national origin.

What do these terms mean?

- "Gender identity" is defined by Vermont law as "an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth."
- "LGBT" refers collectively to lesbian, gay, bisexual, and transgender people.
- "Sex" means the biological classification of people as male or female. Newborns are assigned a sex at birth based primarily on the appearance of their genitals.
- "Sexual Orientation" is defined by Vermont law as "female or male homosexuality, heterosexuality, or bisexuality."
- "Transgender" is an umbrella term which refers to individuals whose gender identity diverges from societal norms.

Who must obey this law?

All places of public accommodation. Places of public accommodation include:

- Stores, restaurants, professional offices, theaters, insurance companies, and other establishments that provide goods or services to the general public.
- State and local governmental units that receive tax support (such as police departments, schools, libraries, etc.)
- Any place offering free services (such as food banks, emergency shelters, civic festivals, etc.)
- Dentist and medical offices, hospitals, and transportation services (buses, taxis, airlines, etc.)

FAQs

1) ARE ALL BUSINESSES, OFFICES, AND ORGANIZATIONS PLACES OF PUBLIC ACCOMMODATION?

No. Any private club, religious organization (see more information at FAQ #5) or other place which is distinctly private by its nature is not a place of public accommodation. However, if it offers some goods or services to the general public, to that extent it will be treated as a public accommodation.

2) MAY PLACES OF PUBLIC ACCOMMODATION DENY SERVICES TO AN INDIVIDUAL BECAUSE HE/SHE IS AN LGBT PERSON??

No. Refusing to provide any goods or services because of a person's sex, sexual orientation or gender identity is illegal. It is also illegal to provide goods or services of in-

ferior quality, in an unreasonably hostile manner, or under different terms because of a person's sex, sexual orientation or gender identity.

Some examples of possible illegal discrimination by a place of public accommodation are:

- Providing false information about the availability of seating, tickets, or services
- Refusing to allow an individual to use all the facilities or services of the public accommodation when they are available to others
- Harassment, intimidation, or other demonstrations of hostility

3) WHAT IS ILLEGAL HARASSMENT?

Harassment may consist of, but is not limited to:

- Repeated spoken or written remarks of a demeaning nature
- Inappropriate sexual conduct
- Physical or psychological abuse
- Implied or explicit threats
- Demeaning jokes, stories, or actions
- Intentional use of derogatory names and pronouns related to a person's sex, sexual orientation or gender identity

A public accommodation can be held liable for harassing conduct by its employees. A public accommodation may also be liable for failing to intervene when a patron engages in harassing conduct towards another patron and the owner or a manager of the public accommodation is informed of the harassment.