

# Case Studies

## Four cases of alleged discrimination resulting in cash settlements for charging parties

The Light  
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### CASE 1 SWIMMING POOL

*Denied the use of the locker room appropriate to her gender and humiliated in front of her children, Sandi Richards obtained a settlement and a change in policy.*

**S**andi Richards (not her real name), once biologically a male, had always had a female self-identity. In October 1999, Richards underwent sexual reassignment surgery and became a woman physically as well as psychologically.

One day about nine months later, Richards, her two children and two of their friends were enjoying the use of a municipal swimming pool in a city in southern Minnesota, when they were approached by the pool's manager. "Sir," he called out as he walked toward them. The manager went on to tell her that he had received complaints from other patrons who were "wondering what a man was doing in the women's locker room."

While her children and their friends looked on, an embarrassed Richards explained to the manager that she was not a man. She even showed him her Minnesota driver's license, which identified her sex as female.

"You used to be a man," the manager said. "It's none of my business," he allegedly continued, "but do you have a penis?"

Richards was mortified.

The manager then told her that she could not use the women's locker room, but would have to use the "alternate room" or "family entrance." She protested again that she was

female and that he was harassing her. When the manager would not relent, she decided that she and the children would leave.

The next day Richards, her kids and their friends returned to the pool. This time, she noticed that representatives of the city's parks and recreation department were watching her. As she used the women's shower area, a female lifeguard stood by, watching.

A few minutes later the manager gave her two notes, one with his name, the other with the names and phone numbers of the city's attorneys. He informed her that she could not use the women's locker room, and that if she

did, she could no longer come to the pool. Richards again protested that she was a female and had a legal right to use the locker room appropriate for her sex. We're willing to go to court, the manager insisted, and told her he was going to call the police.

When the police arrived, Richards was asked to come inside the

main building to talk with them. She refused, unwilling to leave her children by the poolside alone. The police then came into the pool area, and allegedly told Richards that she and her children would have to leave, or they would be removed by force. If she were to come back, they said, she would have to use the family changing room.

After receiving a refund, Richards left.

In September of 2000 Richards filed a complaint with the Minnesota Department of Human Rights against the city in which the



The incidents described in these case studies are based upon complaints filed with the Department of Human Rights. In each case the department found probable cause to believe that there had been a violation of the state Human Rights Act.

We have chosen not to include the real names of the charging parties or the respondents. Although the names of both are a matter of public record once a case is closed, we believe that to publish them here would serve no important public purpose.

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municipal pool is located, charging discrimination based on sexual orientation.

In responding to the complaint, city officials did not deny that Richards is a post-operative, male-to-female transsexual. The city acknowledged that Richards had showed the manager documentation that identified her as female, and that the manager had prohibited her from using the women's locker room and called the police when she refused to comply.

The city argued that while it has no formal or informal policies on who should use which dressing room, it is common practice to ask parents and their children to use the family dressing room if there have been complaints about their use of the women's or men's dressing room. Suppose a father and his daughter used the men's dressing room, or a mother and her son used the women's facilities, they said. If someone objected, they would be told they must use the family changing room, and that's all that had happened here, the city argued.

The argument failed to persuade the Department of Human Rights, which noted that the complaints of other pool patrons were directed at the presence of Richards in the

women's locker room, not at her children. A municipal pool is a public service as defined by the Minnesota Human Rights Act, and discrimination by a public service on the basis of sexual orientation is illegal in Minnesota.

"Because (Richards) was told by the Respondent that she could not use the dressing room to which she was legally entitled by her gender, and because she further suffered the embarrassment of being confronted by police because of her opposition to this directive, (Richards) was denied the full utilization and benefit of the pool's services," the department found.

The city had an obligation to protect the rights of Richards, who was legally a woman, "rather than acquiesce to the objections of other pool patrons who were discomforted by (Richards') legitimate attempts to use the facilities Respondent provides to its other female patrons," the department said. It found probable cause to believe the city's treatment of Richards had violated the Minnesota Human Rights Act.

In a settlement negotiated by the Department of Human Rights, the city agreed to pay Richards \$16,250, and to ensure that its discrimination training for city employees would cover transgender issues. It admitted no wrongdoing.