

Exercise I

Carl has been a manager for the Board for 5 years. Carl approaches another manager, Terry, and tells him that she identifies as a transgender woman and is beginning the process of transitioning at work. From now on, Carl would like to be called Kay, will be wearing clothing consistent with an identity as a woman, and prefers the use of feminine pronouns.

As the weeks pass, Kay's coworkers become accustomed to her new name and appearance, but some of them inadvertently refer to Kay as "Carl" and use the masculine pronoun "he," especially when telling stories about things that happened before Kay's transition. Usually, the coworkers quickly correct themselves when this happens. Terry, however, pointedly says "good morning, Carl," when Kay passes by, and makes comments like "nice dress, dude."

Kay, embarrassed, says nothing to Terry or anyone else about these comments for months.

Exercise I – Practice Test

What advice would you give Kay?

- A. Kay should keep her head down and try to focus on work. Not everyone is going to be comfortable with her gender transition and she should expect some negative comments and remarks.
- B. Kay has a claim for discrimination and harassment because of gender identity and gender expression against the Board because of Terry's treatment of her, as well as because of her coworkers' occasional use of the wrong name and pronoun. Those coworkers should be reprimanded and notes placed in their files.
- C. Kay has a claim against Terry and the Board because of Terry's negative comments and purposeful, repeated use of the wrong name and pronouns. Her coworkers' occasional and accidental mistakes do not create a situation of discrimination or harassment.

Exercise I – Answer

C. Kay has a claim against Terry and the Board because of Terry's negative comments and purposeful, repeated use of the wrong name and pronouns. Her coworkers' occasional and accidental mistakes do not create a situation of discrimination or harassment.

Exercise J

Jason is a new employee at the Authority and having difficulty learning the office protocols. He asks his supervisor Ming for assistance. In a loud, sarcastic voice, audible throughout the open work station area, Ming tells Jason: "I've showed you how to do this simple, simple, simply simple three simple step procedure over and over and over. You should have been paying attention. I won't show you again!"

Exercise J – Test Question

Choose the best answer:

- A. Jason can sue Ming for abusive conduct.
- B. Jason should have paid better attention earlier.
- C. Ming's actions constitute abusive workplace conduct and can likely be disciplined for violation of workplace behavior policies.
- D. Ming's conduct exposes the Authority to liability for unlawful discrimination.

Submit your answer below.