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AMERICAN CIVIL LIBERTIES UNION

Iowa

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**Historic Win for Transgender Rights in Iowa**

Today a Polk County jury delivered a historic win for transgender rights in Iowa – the first transgender rights case to be decided by an Iowa district court jury since Iowa added gender identity protections to the Iowa Civil Rights Act back in 2007.

Jesse Vroegh (pronounced “Vroo”), is a man who is transgender and was previously employed as a nurse by the Iowa Department of Corrections. He filed the lawsuit after he was denied use of the men’s restrooms and locker rooms at work. He was also denied insurance coverage for medically necessary gender-affirming surgery he needed, because his employment insurance excluded coverage because he is transgender.

The jury ruled that the state had engaged in sex and gender identity discrimination, which is prohibited by the Iowa Civil Rights Act.

Jesse expressed how grateful he is with the jury’s verdict. “Being an Iowan, I want to thank a jury, made up of my fellow Iowans, for their verdict. It means a lot for them to consider the facts of the case and determine that yes, I was discriminated against. It makes me happy and proud that they recognized that I should be treated equally by my employer and provided the health care coverage I needed.

“The whole process of has been difficult and emotionally very trying for me. My life has been put under a microscope because of this case. But thought it was an important thing to do for the transgender Iowans who come after me. I hope this decision means that they will be treated fairly in the future.”

Rita Bettis Austen, ACLU of Iowa Legal Director, said, “The law in Iowa has said that employers cannot discriminate on the basis of sex for many years and for gender identity since 2007. The state should have been a model for other employers in its treatment of a transgender worker, but instead blatantly discriminated against Jesse. The jury in this case obviously saw that what the state did was wrong and should never happen again.

“The testimony in this case shows so many ways in which the state dropped the ball. It completely failed to live up to this state’s commitment to putting an end to employment discrimination of any sort. The jury saw that clearly and decided that the state should

compensate Jesse Vroegh for the harm their many mistakes caused him. I hope that they begin to take the necessary steps to make sure this doesn't happen again."

Bettis Austen also thanked Melissa Hasso, ACLU of Iowa cooperating attorney with the Sherinian and Hasso Law Firm in Des Moines, and John Knight of the ACLU LGBT Project for their extraordinary work.

Melissa Hasso made the following statement:

"This truly is a historic day for transgender Iowans, their friends and families. The Iowa Civil Rights Act was amended in 2007 to protect Iowans from employment discrimination based on gender identity. Yet Mr. Vroegh's employer, the Iowa Department of Corrections and Warden Patti Wachtendorf, repeatedly denied his requests to use the men's restrooms and locker rooms consistent with his gender identity.

"The jury properly found that this was illegal discrimination based on sex and gender identity under the Iowa Civil Rights Act. The jury also found that a State of Iowa's health insurance plan for its employees violated the Iowa Civil Rights Act by explicitly excluding coverage for medically necessary gender-affirming surgery.

"This case illustrates the State of Iowa's continued failure to properly train supervisors and managers on Iowa's employment discrimination laws and to enforce those laws within its own ranks. Until the State of Iowa demonstrates a firm commitment to *preventing* discrimination and *enforcing* the state's longstanding civil rights laws, state employees like Mr. Vroegh will continue to have no choice but to look to the courts to protect them from discrimination. This is simply unacceptable."

**Background on the lawsuit can be found at:**

<https://www.aclu-ia.org/en/news/aclu-iowa-files-states-first-transgender-rights-lawsuit>

[https://www.aclu-ia.org/sites/default/files/wysiwyg/web\\_8-25-17\\_vroegh\\_press\\_release\\_0.pdf](https://www.aclu-ia.org/sites/default/files/wysiwyg/web_8-25-17_vroegh_press_release_0.pdf)

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*The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, please go to [www.aclu-ia.org](http://www.aclu-ia.org).*