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Testimony of Alix Simonetti, Member, Executive Committee,
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Senate Bill No. 1109
AN ACT CONCERNING THE DEPRIVATION OF RIGHTS
ON ACCOUNT OF SEXUAL ORIENTATION

Judiciary Committee
February 23, 2007

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to submit written testimony to the Committee on **Senate Bill No. 1109, An Act Concerning the Deprivation of Rights on Account of Sexual Orientation**.

My name is Alix Simonetti. I am an attorney and a member of the executive committee of the Connecticut Bar Association Human Rights and Responsibilities Section. The section is comprised of approximately 100 attorneys who are interested in legislation concerning civil rights and discrimination law. On behalf of the CBA Human Rights and Responsibilities Section, I respectfully request that the Judiciary Committee **favorably report** Senate Bill 1109.

Through section 46a-58(a), the Commission on Human Rights and Opportunities is authorized to receive, investigate and process complaints of discrimination alleging violations of state and federal law, that is not set forth in the CHRO's empowering statutes. Conn. Gen. Stat. § 46a-51 et seq. Currently, section 46a-58(a) extends the CHRO's complaint processing protections to other state and federal law protections when there is unlawful discrimination based upon religion, national origin, alienage, color, race, sex, blindness or physical disability. Recently in CHRO v. Town of Cheshire Board of Education, 270 Conn. 665 (2004), our Supreme Court analyzed the language and legislative history of section 46a-58(a) and said that it has "long been this state's fundamental civil rights statute, with a purpose to cast a broad net of protection for all persons from discrimination." *Id.*, 270 Conn. at 712. The Court upheld the authority of section 46a-58(a) to enable the CHRO to receive, investigate and process a complaint in which an African American high school student claimed that his school had treated him differently because of his race. The African American student and his friend were taunted by a white student with disparaging racial remarks, this led to a physical altercation for which Complainant and his friend were severely

punished and the white student was not. Thereafter, the African American student complained to his school about racial harassment that he was being subjected to from white students in the school, that was predominantly white. He claimed that the school did not adequately address the harassment, conditions worsened. Eventually the student was forced to withdraw from the school and transfer to a different school to escape from the harassment. Even though section 10-15c prohibits discrimination on the basis of race, the mechanism to address the discrimination was ineffective. Because race is one of the protected group statuses set forth in section 46a-58(a), the African American student was able to and did file a complaint with CHRO claiming a violation of section 46a-58(a), based upon race. His Complaint was processed by the CHRO.

A great deal of discrimination and harassment on the basis of sexual orientation exists in all areas of life. On January 23, 2003, CNN.com reported a story where "A Dutch Gay Activist is fighting to outlaw the import of a U.S. computer game in which the player can shoot homosexuals, junkies, dogs and cats...."Postal 2, produced by Arizona-based Running with Scissors.... Vince Desi, who runs Running with Scissors, said the game did not discriminate against homosexuals. "It's definitely not anti-gay. You know what? It's a game – get over it, Desi said the player can shoot gay people but does not have to do so, and does not win any points for shooting anyone." Is this game appropriate for sale in the U.S.? Children play computer games.

On August 25, 2003, CNN.com reported on the Harvey Milk High School in New York City, that was created to give gay and lesbian and bisexual and transgender students a school environment safe from harassment. It reported that "in a 2001 survey by the network, 83 percent of gay students reported being harassed at school because of their sexual orientation and nearly 70 percent felt unsafe. The survey was of 904 gay students in 48 states...."

The Gay, Lesbian and Straight Education Network (GLSEN), a national education organization focused on ensuring safe schools for all students, conducts biennial surveys. On April 26, 2006, it issued a press release reporting on its 2005 National School Climate Survey (NSCS). It received survey responses from 1,732 GLBT students nationwide, and compiled and analyzed the data and reported the results in a 98 page report, explaining how harassment of GLBT students is still rampant in the schools. For example, 75.4% of the students heard derogatory and demeaning remarks. 37.8% of the students experienced physical harassment. Students who are harassed suffer academically from the harassment. Responses indicated that students had skipped school five times more the previous month because they felt unsafe at school, they were not planning on going to college or any post secondary schooling, also their GPAs were a half grade lower than other GLBT students who were not harassed.

Yesterday the New York Times (February 22, 2007, p. B5) reported on a case just decided by the New Jersey Supreme Court: a gay youth filed a complaint against his school, because it failed to take actions adequate to address harassment that he was being subjected to at the school. Even though New Jersey has anti discrimination law, the student claimed that other students taunted him with anti-homosexual epithets since he was in the fourth grade and that he was physically attacked twice. The student claims that he eventually had to leave the school and transfer to another school. The Supreme Court of New Jersey ruled that school districts had to take reasonable steps to stop the harassment.

Sexual orientation discrimination is also prohibited under section 10-15c. Since sexual orientation is not included in the groups protected under section 46a-58(a), gay and lesbian students and student who are perceived to be gay and lesbian who are being harassed are unable to bring their complaints to the Commission for its complaint processing. If our schools are not effectively protecting students against damaging harassment on the basis of race, it is unlikely that students are being protected against harassment on the basis of their sexual orientation. Including sexual orientation in section 46a-58(a) will codify the Court's decision in Cheshire Board of Education. All students will then have the ability to bring to the CHRO complaints of any unlawful discrimination to the CHRO to be processed.

Thank you, again, for allowing me the opportunity to comment on Senate Bill 1109. The CBA Human Rights and Responsibilities Section respectfully requests that the Judiciary Committee approve Senate Bill 1109.