

## Legal Support: Protect and Empower Yourself

### Self-Defense and the Law: What to Know

- New York State: NY Penal Law 35.15 states "A person may use physical force upon another individual when, and to the extent that, he/she reasonably believes it to be necessary to defend himself/herself [or someone else] from what he/she reasonably believes to be the use or imminent use of [unlawful] physical force by such individual".
- United States: The general rule is that "A person is privileged to use such force as reasonably appears necessary to defend him or herself against an apparent threat of unlawful and immediate violence from another." In cases involving non-deadly force, this means that the person must reasonably believe that their use of force was necessary to prevent imminent, unlawful physical harm. When the use of deadly force is involved in a self-defense claim, the person must also reasonably believe that their use of deadly force is immediately necessary to prevent the other's infliction of great bodily harm or death.

### What Laws Protect Me Against Transphobic Discrimination?

- New York prohibits discrimination based on gender identity and expression in State employment.
- According to the New York State Pride Agenda, "more than 150 private employers in New York have adopted their own internal policies to protect employees from transgender discrimination."<sup>1</sup>
- The U.S. Supreme Court ruled that it is unlawful under federal law for employers to discriminate against employees based on sexual orientation or gender identity and an employer who fires or otherwise discriminates against an individual simply for being gay or transgender is in violation of Title VII of the Civil Rights Act of 1964.

### Sexual Harassment and Hostile Environments in the Workplace

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature in the workplace or learning environment. Sexual harassment does not always have to be specifically about sexual behavior or directed at a specific person. Forms of sexual harassment can also include:

- Harassment, mistreatment, or discrimination on the job due to your gender identity, expression, or group
- Getting fired/job security threatened due to your gender identity and/or expression
- Being denied a promotion due to your gender identity/expression
- Being denied employment due to your gender identity/expression

### Legal Resource for Trans Femmes: Transgender Legal Defense & Education Fund

Transgender Legal Defense & Education Fund (TLDEF) is a 501(c)(3) nonprofit committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. TLDEF offers the following services:

- Connects trans and gender diverse folks with pro bono attorneys, represents trans and nonbinary clients in lawsuits for discrimination: <https://transgenderlegal.org/our-work/impact-litigation-program/>
- Advocacy for health care discrimination and medical necessity denials: <https://transhealthproject.org/>
- Provides pro bono legal name change services to low-income transgender and gender diverse people: <https://transgenderlegal.org/our-work/name-change-project/>
- Education and training on education around transgender rights: <https://transgenderlegal.org/our-work/education/>

To access the services outlined above for assistance with legal defense, education on legal rights, or advocacy for health care access, feel free to follow the above links and/or contact **AC Dumlao**, Program Manager.

AC Dumlao | Pronouns: they/them/theirs

Program Manager at *Transgender Legal Defense & Education Fund*

[adumlao@transgenderlegal.org](mailto:adumlao@transgenderlegal.org)

phone: 646-862-9396 x106 or 646-704-4310



<sup>1</sup> New York State Pride Agenda. Gender Expression Non-Discrimination Act. <http://www.prideagenda.org/igniting-equality/current-legislation/gender-expression-non-discrimination-act>