

THE FEDERAL SECOND CIRCUIT COURT OF APPEALS FINDS THAT SEXUAL ORIENTATION IS PROTECTED BY TITLE VII

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On February 26, 2018, the United States Court of Appeals for the Second Circuit (which governs New York, Connecticut, and Vermont) held that sexual orientation is covered by Title VII of the 1964 Civil Rights Act. *Zarda v. Altitude Express, Inc.* In doing so, the Second Circuit, overruled its previous decisions, including *Christiansen v. Omnicom Group, Inc.*, 859 F.3d 195 (2nd Cir. 2017). The Second Circuit now has joined the Seventh Circuit, *Hidely v. Ivy Tech Community College* 853 F.3d 339 (7th Cir. 2017), in holding that sexual orientation is a protected category under Title VII. The Second Circuit, which covers Connecticut, New York and Vermont, and the Seventh Circuit, which covers Illinois, Indiana and Wisconsin, are still in a minority on the issue. The nine other Federal Circuit Courts of Appeals that have considered the issue found that sexual orientation is not covered by Title VII. The most recent to do so was the Eleventh Circuit Court of Appeals in *Evans v. Georgia Memorial Hospital, et al.* 850 F.3d 1248 (11th Cir. 2017), cert. denied 138 S. Ct. 558 (2017).

For more information about how sexual orientation is covered by Title VII, please click [here](#).

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