

HIV CONFIDENTIAL

SUMMER 2004

No. 4

IT'S YOUR RIGHT

**A publication of the HIV/AIDS Legal Project
The Legal Center for People with Disabilities and Older People**

BE AWARE...

Loose
Lips
Can



Sink
Ships !



*Inside :
Careless Whispers
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WELCOME TO THE
FOURTH
NEWSLETTER
FROM
THE HIV LEGAL PROJECT

A PROGRAM OF
**THE LEGAL CENTER FOR
PEOPLE WITH DISABILITIES
AND OLDER PEOPLE**

THE LEGAL CENTER PROTECTS
AND PROMOTES THE RIGHTS OF
PEOPLE WITH DISABILITIES AND
OLDER PEOPLE IN COLORADO
THROUGH DIRECT LEGAL
REPRESENTATION, ADVOCACY,
EDUCATION, AND LEGISLATIVE
ANALYSIS.

THE LEGAL CENTER EMBRACES:

- EMPOWERMENT
- SELF-DETERMINATION
- INDEPENDENCE
- INCLUSION

THE HIV LEGAL PROJECT

A COMMUNITY RESOURCE FOR PEOPLE
AFFECTED BY HIV/AIDS AND THOSE WHO
PROVIDE THEM WITH CARE AND SUPPORT.

WE PROVIDE REPRESENTATION, TECHNICAL
ASSISTANCE, AND INFORMATION AND RE-
FERRAL TO PERSONS EXPERIENCING
HIV/AIDS DISCRIMINATION OF ANY KIND.

SUCH AREAS OF DISCRIMINATION
INCLUDE:

- HOUSING.
- EMPLOYMENT.
- ACCESS TO GOVERNMENT SERVICES.
- ACCESS TO PUBLIC
ACCOMMODATIONS.
- EDUCATION.
- BREACH OF CONFIDENTIALITY.

WE OFFER HIV/AIDS-RELATED EDUCATION
AND OUTREACH TO INDIVIDUALS,
PROVIDERS, AND ADVOCATES.

STAFF

ERIC MAXFIELD, ATTORNEY
BARRY GLASS, SOCIAL WORKER
CHRIS MÉNDEZ, ATTORNEY

The Legal Center for People
with Disabilities and Older People



Colorado's Protection & Advocacy System

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Denver, Colorado 80203
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322 North 8th Street
Grand Junction, Colorado 81501
(970) 241-6371 (800) 531-2105
TLCMAIL@THELEGALCENTER.ORG

THANKS TO OUR BENEFACTORS :

Bright Mountain Family Foundation
Mile High United Way
Xcel Energy Foundation



Cirque du Soleil Agrees to Pay \$600,000 to HIV-Positive Gymnast Fired Because of Perceived Threat to Others

On April 22, 2004, the Equal Employment Opportunity Commission announced that Cirque du Soleil has agreed to pay \$600,000 to a gymnast who was fired because of his HIV-positive status, the *Los Angeles Times* reports (Romney, *Los Angeles Times*, 4/23). Matthew Cusick said that after disclosing his HIV-positive status to Cirque shortly after his July 2002 hiring, he underwent several medical evaluations and was found to be in good health and considered fully able to perform with the company. However, shortly before he was to begin performing in the company's Las Vegas show "Mystere," Cirque sent him a letter terminating his employment and stating that his HIV-positive status "will likely pose a direct threat of harm to others, particularly in the case of future injury." In July 2003, the Lambda Legal Defense and Education Fund filed a federal discrimination complaint with the EEOC against Cirque on Cusick's behalf (*Kaiser Daily HIV/AIDS Report*, 2/2). Under the settlement, which is one of the largest made public for an HIV discrimination case mediated by EEOC, Cirque agreed to pay Cusick \$600,000 and provide anti-discrimination training to all of its employees, the *San Francisco Chronicle* reports (March, *San Francisco Chronicle*, 4/23). The \$600,000 settlement includes \$300,000 in compensatory damages, \$60,000 in back pay for a year of lost wages, \$200,000 in future wages and \$40,000 in attorneys' fees. The settlement, which is the maximum allowed for a violation of the Americans With Disabilities Act, also mandates that the company keep its records open to EEOC for two years (*Los Angeles Times*, 4/23). The company also must adopt a "zero-tolerance" policy toward discrimination (Cernetig, *Toronto Star*, 4/23).

Other Complaints

The San Francisco Human Rights Commission had opened its own investigation into the company but dropped the complaint in February after the company conceded that the chances of a performer transmitting HIV during a show were "infinitesimal," according to the *Chronicle* (*San Francisco Chronicle*, 4/23). The commission then helped Cirque revise its nondiscrimination policy to include HIV-positive employees. Cirque spokesperson Renee-Claude Menard said that the company also has hired a consultant to educate its 2,700 employees at sites worldwide (*Los Angeles Times*, 4/23).

CARELESS WHISPERS

To tell or not to tell? At some time, that will be the question. Being HIV-positive is nothing to be ashamed about. So, if that be the case, why would there be any reason not to disclose your status? Holding on to a secret can eat you up alive, and rob you of the energy you need to confront this illness. Release can be so freeing.

Our world is many things, full of hope and rife with danger. Where do you find the demarcations, and how do you straddle the line?

Growing up in New York City, I learned to use my peripheral vision while looking straight ahead. Crossing the street against the light, I dodged the taxis that seemed to come at me from out of nowhere. The rhythm of uncertainty has its own meter.

Often, the surprise is not the crash; it is rather that you didn't see it coming.

People do not call the HIV/AIDS Legal Project because things are going

well in their life. Often, they will tell us that a disclosure concerning their health status has come back to haunt them. They fear that they will lose their job, be an object of discrimination, or be forced to move out of their apartment. More often than not, the information has been shared out of a concern for others.

I told them at work that I was HIV-positive, because if something happened to me, and they needed to help me, they should know so that they could protect themselves.

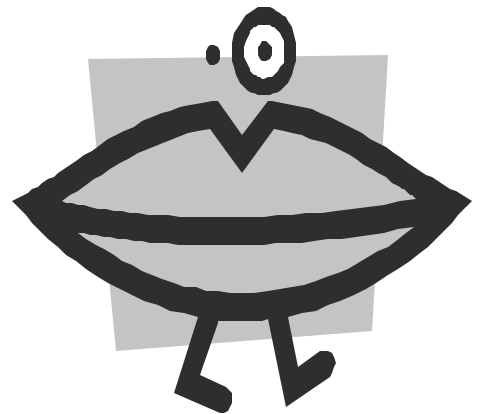
I told my landlady I was HIV-positive because she seemed like a nice person, and I thought that she could be a friend to me if I needed her for an emergency, and she can't evict me on the basis of my diagnosis.

I told them at my child's school that she was HIV-positive because if she fell in the playground, the teachers would have to help her, and anyway, isn't it illegal to discrimi-

nate against her?

I told my friend at work that I was HIV-positive, and the next thing I know, the boss is calling me into the office to discuss "my problem."

What is your need to tell, and what is their need to know? For starters, most employment situations will not put your co-workers at risk for contracting HIV from you. If exposure is a concern, does the workplace have a universal precautions policy in place to be used for all employee accidents? What are the odds that your landlady



will be in direct contact with your blood, your semen, or your vaginal secretions? (Are you having sex with her or sharing needles)? And does your child's school district have an AIDS policy, as it should?

P.S. People are not necessarily good about keeping your HIV status a secret.

I'm not telling you not to tell. I'm simply suggesting that you think about it before you do. If you are reading this newsletter, chances are you are connected to a caring community, one that supports you in your illness. This protected environment is not necessarily reflected in the outside world.

While your integrity as a person living with HIV/AIDS affords you the right to wear a Red Badge of Courage, others may perceive you with a Scarlet Letter on your chest.

If you have any questions about disclosure, please be aware that you can always run them by one of us here at the

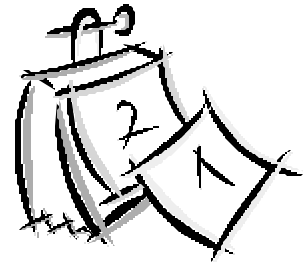
HIV/AIDS Legal Project; we will do our best to problem solve the issues with you. Additionally, we will inform you of your rights of confidentiality should you decide to disclose.

Like I said, we only hear about it when people fear trouble. Our work here may not be reflective of your experience. If that be the case, we'd like to hear about it so that we can share your success stories with others. Maybe we can develop a list of HIV friendly employers, businesses, and landlords so that we, as a community, can support the people and the companies that support us. The HIV/AIDS Legal Project will publish such stories in future editions of *HIV CONFIDENTIAL*.

- Barry Glass



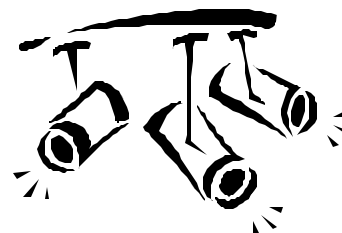
SAVE THE DATE
FRIDAY, NOVEMBER 19,
2004



**LEGAL AND ETHICAL ISSUES
OF HIV/AIDS**

A Community Conversation

SPOTLIGHT ON...



SERVICIOS DE LA RAZA

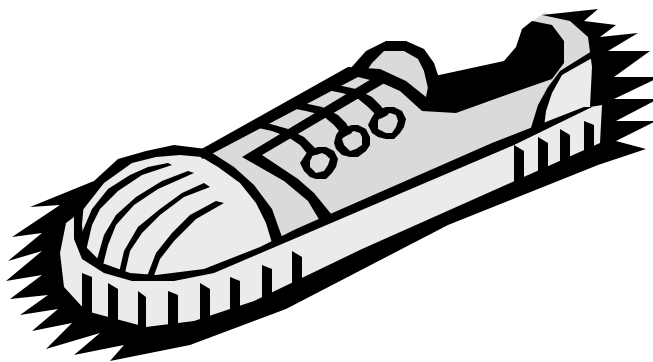
Servicios de la Raza was established in the heart of the Latino/Mexicano/Chicano community in 1972 as a direct response to the needs of our raza. Since 1972, *Servicios* has grown with the ever-changing needs of our community. The La Gente program was established to deal with the reality that HIV/AIDS is affecting people of color, our people, at an alarming rate.

All *Servicios* employees are bi-cultural and bi-lingual. We provide our clients with services in a manner that is competent, respectful and proud. These services are specifically geared to help them access and traverse a system they fear and do not understand. La Gente provides intensive client advocacy and case management for HIV/AIDS positive people and their families. Our client base is quite varied – they range from citizens, residents, documented and undocumented immigrants that are single, homosexual or heterosexual men, as well as single women and their children, and the “traditional” nuclear family. Our program philosophy is to provide clients with the services that they need.

You do not need a social security number to qualify for our program. but unfortunately, we often run into a bureaucratic brick wall that requires a social security number for our clients to qualify for services. With that said, we recognize that these clients do not have a choice, and some of their needs have gone unmet. We hope to change that by working with other experienced service providers and community activists to create change. Currently, we are working in conjunction with *The Legal Center* to create a legal network of pro-bono attorneys that specialize in immigration law.

We believe in a holistic approach to the HIV/AIDS epidemic. Not only do we feel it is crucial to provide high quality services to our clients, but that we have a responsibility to try and prevent the further spread of this virus. We actively target high-risk populations and do monthly outreaches. Currently, we do educational outreach at a homeless day laborer facility called *El Centro Humanitario*. We also do educational outreaches to high-risk youth that range in age from 14-20 years old. These youth are in a “last chance” type of program that requires them to finish high school and gets them a job so they can have some work experience. We believe that for the youth to fully comprehend how critical their sexual health is, we must also educate their parents. We are aware that women

**WALK
LIKE AN
EGYPTIAN**
(or anybody else)



AIDS WALK COLORADO

SUNDAY, AUGUST 22, 2004

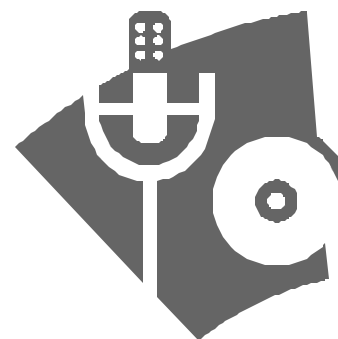
JOIN THE HIV LEGAL PROJECT TEAM

REGISTER AT WWW.AIDSWALKCOLORADO.ORG

OR CALL JUNE OR BARRY AT

(303) 722-0300

**DROP SOME COIN AT THE
LEGAL CENTER'S 2ND ANNUAL
BOOK AND CD SWAP MEET
TO BENEFIT OUR AIDS WALK TEAM
(SILENT AUCTION, TOO) !!**



**THURSDAY, JULY 29, 2004
TUESDAY, AUGUST 10, 2004
9:00 AM — 4:00 PM
THE LEGAL CENTER
455 SHERMAN STREET
DENVER, CO. 80203**

