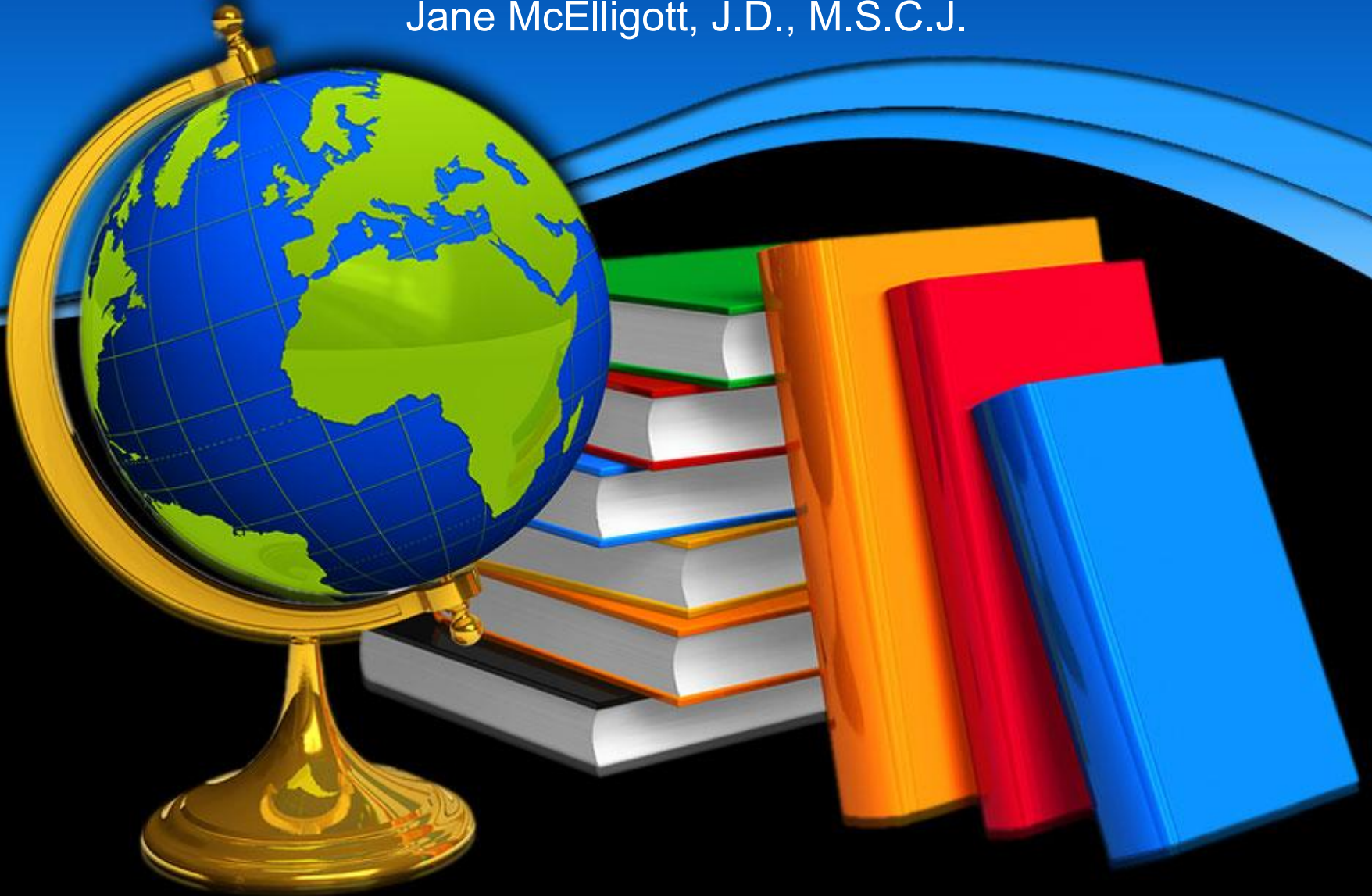


The Constitutional and Legal Rights of Ethical Vegans on Campus and in the Workplace

Gen Ed Conference 2020

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Introduction

- This presentation explores discrimination faced by students and faculty who are ethical vegans by examining case law on issues such as bullying based on vegan status; the right of students to opt out of dissection of a frog for biology class; and a hospital employee's right to opt out of a vaccine cultured in a chicken egg.
- The presentation wraps up with suggested steps institutions of higher education can take to celebrate diversity and inclusivity for students and faculty who identify as ethical vegans.



Learning Outcomes

By the end of this presentation, participants will be able to:

- 1) Describe the ways in which ethical vegans encounter discrimination, harassment, and bullying in academia and in the workplace.
- 2) Identify and describe relevant constitutional provisions, laws, and cases relating to the rights of ethical vegans on campus and in the workplace.
- 3) Discover proposed campus policy changes and teaching methods that serve as paths toward celebrating diversity and inclusivity for ethical vegans in academia.

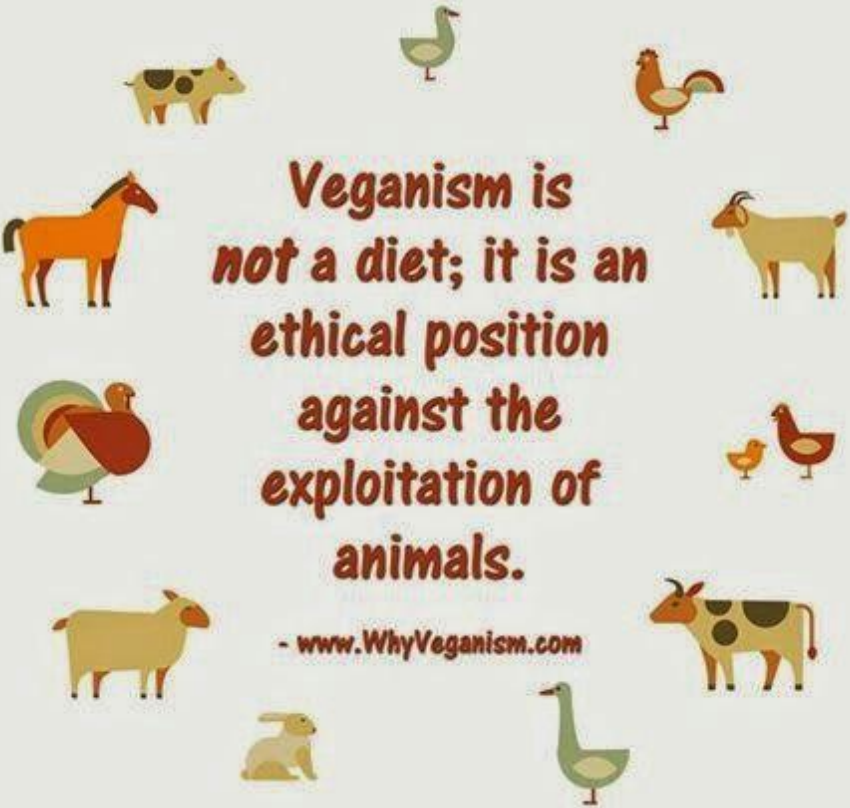


Defining Ethical Vegan

- An ethical vegan is “an individual who expresses a total rejection of using animals, which extends far past the plate or the grocery store” (Schwartz, 2018).
- Ethical vegans reject “speciesism” and “value the sanctity of all life, seeking to exclude from their life, as far as possible ... all forms of exploitation of, and cruelty to, animals for food, clothing, or any other purpose” (Karp, 2016a, p. 531).
- Ethical vegans embody a corresponding “ethical belief in animal rights” (Schwartz, 2018).



Defining Ethical Vegan



**Veganism is
not a diet; it is an
ethical position
against the
exploitation of
animals.**

- www.WhyVeganism.com

Ethical veganism results in a profound revolution within the individual; a complete rejection of the paradigm of oppression and violence that she has been taught from childhood to accept as the natural order. It changes her life and the lives of those with whom she shares this vision of nonviolence. Ethical veganism is anything but passive; on the contrary, it is the active refusal to cooperate with injustice

Gary L Francione

WWW.STOREMYPIC.COM



Discrimination Against Vegans

- Discrimination against vegans consists of “being treated worse than others simply for being vegan” (Horta, 2018, p. 359).
- Vegans are treated worse than nonvegans due to either:
 - - bias against vegans (“vegaphobia”), or
 - - structural reasons (no access to vegan food; termination from employment due to demands contrary to veganism) (Horta, 2018).



Discrimination Against Vegans: Vegaphobia

- Vegaphobia entails “a derogatory portrayal of vegans” as self-righteous, judgmental, and judgmental and is a form of “do-gooder derogation, the putting down of morally motivated others” (Vandermoere et al., 2019).
- Vegaphobia is implicit in our language, ennobling “meat at the expense of veg: strong muscular types are “beefy,” lazy people are “couch potatoes,” unresponsive ones “vegetables” (Reynolds, 2019).
- Vegaphobia also manifests as intentional bias, “consisting of bullying, harassing, and ridiculing” based on one’s status as a vegan (Horta, 2018).



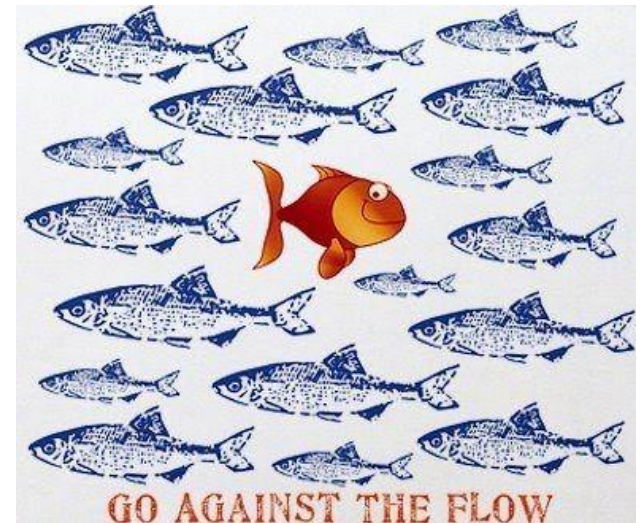
Vegaphobia





Underpinnings of Vegaphobia

- Veganism challenges societal norms, causing fear and backlash as nonvegans go on the defensive.
- Veganism is “rooted in social justice” and is viewed as “a rebuke to the majority’s values” (Reynolds, 2019).





Cognitive Dissonance

Veganism unleashes in meat eaters “cognitive dissonance between *eating animals* and *harming animals*” (Vandermoere et al., 2019).

A vegaphobe, not wanting to feel guilty about eating meat, blames the vegan for triggering his cognitive dissonance. “Even before the vegan has said a word, he forces the omnivore to acknowledge that consuming animals is a choice” (Vandermoere et al, 2019).



THE IDEALIST

Sometimes people hold a core belief that is very strong. When they are presented with evidence that works against that belief, the new evidence cannot be accepted. It would create a feeling that is extremely uncomfortable, called cognitive dissonance. And because it is so important to protect the core belief, they will rationalize, ignore and even deny anything that doesn't fit in with the core belief.

- Frantz Fanon



Second-Order Discrimination

- Discrimination against vegans takes the form of second-order discrimination, “discrimination against those who oppose another (first-order) form of discrimination” (Horta, 2018, p. 359).
- Vegans oppose the “speciesist discrimination against nonhuman animals” (first-order discrimination) and due to such opposition, vegans face second-order discrimination (Horta, 2018, p. 359).
- Vegans seldom advocate against the discrimination *they* experience because they view it as a mere “consequence of another and *more important discrimination*; i.e. speciesist discrimination against nonhuman animals” (Horta, 2018, p. 359).

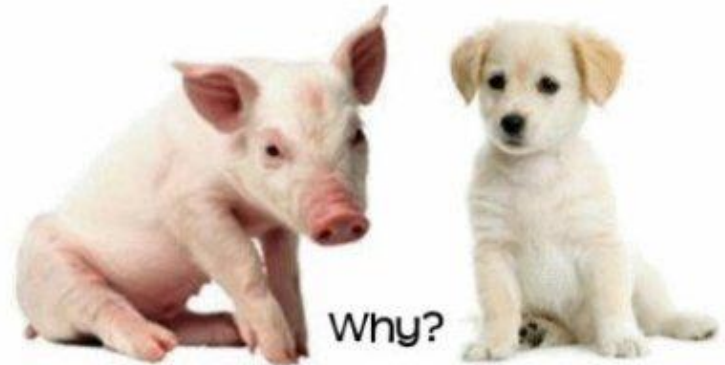


Speciesism

Speciesism

“Speciesism is the assigning of different values or rights to beings on the basis of their species membership”

Which do you pet? Which do you eat?



Why?

www.evolvecampaigns.org.uk



Vegaphobia in Action: Bullying

- A NJ judge ruled in 2016 that the state's anti-bullying statute applies to insults based on vegetarianism.
- During lunch, student C.C. confronted student K.C. with the statements, "vegetarians are idiots," "it's not good to not eat meat," and "people who eat meat are smarter and have bigger brains" (Cartwright, n.d.).
- An anti-bullying specialist determined that C.C. violated the NJ Anti-Bullying Bill of Rights Act, given that "the comments targeted a student's "distinguishing characteristic" and "substantially interfered with the rights of K.S. and had the effect of insulting or demeaning him" (Cartwright, n.d.).



Vegaphobia in Action: Bullying

- This NJ judge's ruling established "precedent that the state's anti-bullying act should be interpreted broadly," extending beyond the specific categories listed in the statute, such as "race, religion, gender, and sexual orientation" (Cartwright, n.d.).
- Statements "reasonably perceived as motivated by a distinguishing characteristic" and having the "effect of insulting and demeaning a classmate who is vegetarian" constitute "harassment, intimidation, and bullying" under the anti-bullying act.
- All states have anti-bullying statutes, serving as a strong tool against bullying (or cyberbullying) based on veg*n status (Cartwright, n.d.).



Structural Discrimination against Vegans

- Structural discrimination against vegans results from “institutional or socially prevalent attitudes” (Horta, 2018, p. 362).
- At a societal level, “vegans are forced by the state to contribute to animal exploitation against their will,” by paying tax dollars used to subsidize “forms of animal exploitation” such as animal farming and the fishing industry (Horta, 2018, p. 362).
- Vegans’ opposition to subsidizing animal exploitation is ignored because our society considers it “illegitimate not to support such practices” (Horta, 2018, p. 362).



Relevant Laws in Vegan Discrimination

Legal challenges brought by vegans “relate predominately to accommodation – in employment, education, medical care, and institutionalized meals,” and arise under the following laws:

- **Title VII of the Civil Rights Act of 1964** (prohibits employment discrimination based on “race, color, religion, sex, or national origin” and requires a reasonable accommodation for “religious observance or practice”);
- **First Amendment** (freedom of speech; freedom of religion); and
- **State Antidiscrimination Laws** (modeled after Title VII but applying to smaller entities and often providing broader rights)

(Karp, 2016b).



Vegan Discrimination under Title VII of the Civil Rights Act

Title VII imposes a duty on employers to “reasonably accommodate the employee’s “religious practice” unless doing so would be an “undue hardship on the conduct of the employer’s business” (Karp, 2016b).

Religious practice is broadly interpreted to include “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views” (Karp, 2016b).

To state a claim under Title VII, the employee must point to

- 1) an employment duty that interferes with the employee’s religious practice and
- 2) an adverse action taken against the employee for failing to perform the duty (Karp, 2016b).



Vegan Rights Title VII Cases

- *Anderson v. Orange County Transit Authority* (1996) – Bruce Anderson, a bus driver for Orange County Transit Authority (OCTA), refused to follow a management directive to hand coupons for free Carl’s Jr. hamburgers to passengers as they entered the bus, based on his moral and ethical beliefs as a strict vegetarian.
- OCTA fired Anderson for “insubordination” for refusing to follow the directive; Anderson then filed a complaint with the EEOC, which ruled in his favor, holding that “Anderson’s vegan beliefs rose to the level of a protected religion under Title VII” and OTCA wrongly failed to provide a reasonable accommodation (Karp, 2016b). Anderson won a \$50,000 settlement from OTCA.



Vegan Rights Title VII Cases

- *Chenzira v. Cincinnati Children's Hospital Medical Center* (S.D. Ohio 2012) – Chenzira, an ethical vegan and customer service representative at Cincinnati Children's Hospital, was fired after she refused the flu vaccine because it is produced in chicken's eggs.
- Chenzira sued the hospital, alleging her termination violated Title VII because the hospital “denied her a religious accommodation by not letting her opt out of the flu vaccine” (James, 2013).
- The court denied the hospital's motion to dismiss, noting that it is “plausible that Plaintiff could subscribe to veganism with a sincerity equating that of traditional religious views” (Hyman, 2020).



Vegan Rights Cases: State Antidiscrimination Laws

- *Kumor v. Gate Gourmet* (Wash. 2014) – Gate Gourmet, citing security concerns, imposed a policy mandating all employees eat company-provided food (which was nonvegetarian). Plaintiff, a vegetarian, voiced his religious objection; the company said they would switch from beef/pork meatballs to turkey meatballs (still not vegetarian) and the only other option in the words of the company was to “work hungry” (Karp, 2016b).
- The Washington Supreme Court ruled that the plaintiff employee had stated a prima facie religious accommodation claim under the Washington Law Against Discrimination (Karp, 2016b).



Vegan Rights Case: First Amendment

Keith Allison, a second-grade teacher, was fired by the Green Local School District in Ohio for posting a picture on his personal Facebook page of veal crates on a local dairy farm. He included the following comment along with the picture:

- *“As someone who grew up feeling parental love and support, and now as a parent who gives love and support, I reject the claim that separating babies from loving mothers to raise them isolated in boxes can ever be considered humane.”*

The school district superintendent fired Mr. Allison after receiving a complaint from the dairy owner. The ACLU and PETA sued on Keith’s behalf and reached a settlement requiring Keith’s reinstatement and the school district issuing a “written policy clarifying that district teachers have a right to engage in protected speech on matters of public concern in their role as private citizens” (Karp, 2016b).



Dissection and Vivisection



Frog Girl: The Jenifer Graham Story

Jenifer Graham (“Frog Girl”), a tenth-grader in California, sued the school district after being denied the right to opt out of dissecting a frog for biology class.

Following a settlement, California passed a law requiring an alternative for students (grade school - high school) who object to dissection on moral grounds (Karp, 2016a, p. 538).



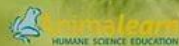
Dissection and Vivisection

Please don't dissect me.

Instead, borrow
dissection alternatives
for free on The
Science Bank.

Hundreds of models,
mannikins, software
and even AR/VR
technology are
available for all
education levels, from
Pre-K to Veterinary
and Graduate school.

thesciencebank.org



“Student Choice Laws,” mandating schools provide students in grade school through high school the choice to opt out of dissection, are in place in Washington, D.C. and 18 states. See: [Animals in Science: Student Choice Laws](#)

Student Choice Laws do not apply to universities, but in *Kissinger v. Oregon State University* (1993), a vegan veterinary student won the right to take alternative curriculum that did not involve vivisection after filing suit under the First Amendment.

For an informative resources on Dissection and Vivisection, see: [Why Every Teacher Should be Anti-Vivisection, Starting with Dissection](#) and [Animalearn](#).



Going Vegan-Friendly

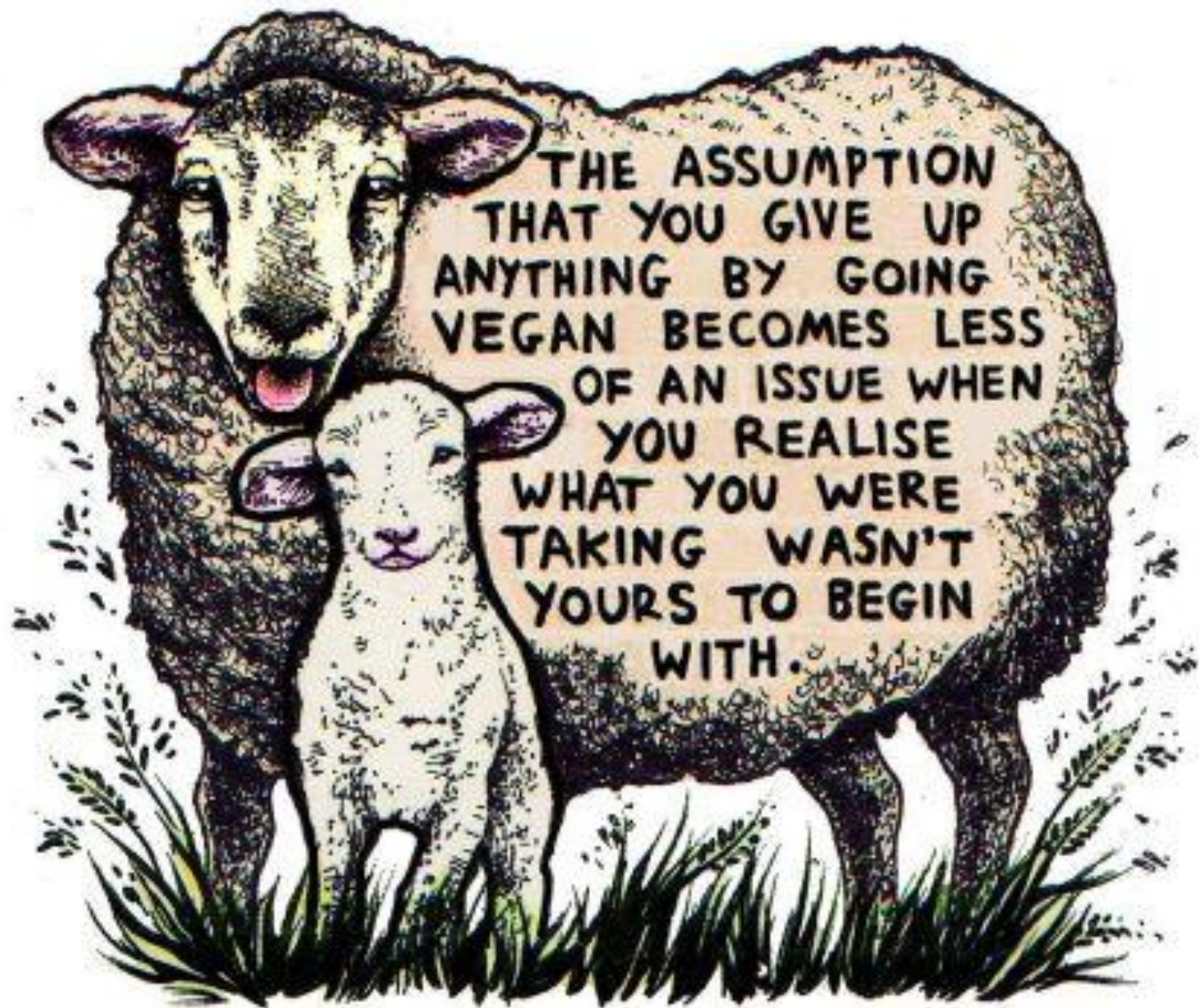
- Make curriculum vegan friendly by omitting lines in scenarios such as: “Write this memo for your supervising attorney, Attorney Bacon of the law firm of Bacon & Eggs. ”
- Include topics on veganism or animal rights in written assignment scenarios, discussion boards, and seminars to bring attention to these timely topics that fit in perfectly with subjects such as law, sociology, ethics, philosophy, environmental policy, science, psychology, etc.
- Make vegan food the “new normal for conferences and meetings” as the perfect way to “educate students, colleagues, and conference participants about ethical food choices” (Pringle, 2017).



Going Vegan-Friendly

Pringle (2017) points to the “disconnect” when faculty gather to discuss issues of discrimination and exploitation while “enjoying small animals for lunch ... some people will notice the hypocrisy and judging how the animal-rights movement has grown on college campuses, more will do so in the near future.”

We can all do our part to respect the rights of our nonhuman animal friends, especially at mealtimes during our scholarly meetings and conferences. ... Rather than tolerating nondescript meat sandwiches, stand up for the “others” whose marginalized existence can be seen on that plenary session lunch plate” (Pringle, 2017).



THE ASSUMPTION
THAT YOU GIVE UP
ANYTHING BY GOING
VEGAN BECOMES LESS
OF AN ISSUE WHEN
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WHAT YOU WERE
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Images

- Figure 1. Veganism is not a diet [Online image] (n.d.). Advocacy of Veganism Society.
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- Figure 3. Level 5 vegan [Online image]. Pinterest.
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- Figure 4. Fanon, F. (n.d.). Quote on cognitive dissonance [Online image].
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- Figure 5. Pimental, G.C. (n.d.). Speciesism [Online image].
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Images

- 6. Which do you pet? (n.d.). Position paper: Ethics of eating animals [Online image]. <https://eezeman.wordpress.com/2012/12/18/position-paper-ethics-of-eating-animals/>
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