Toward LGBTQ Non-discrimination & Inclusivity:
What We Know & What We Need

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Terminology

- LGBTQ
- Sexual orientation
- Gender identity
- Ally
- Microaggressions
- Institutional discrimination
- Intersectionality

(Nadal, 2013; Case, 2013, 2016; Cole, 2009; Sue et al., 2010)
Why This Matters in 2016

- New strict voter id laws - may disenfranchise over 34,000 transgender voters on Nov 8

- State & local attempts to ban same-sex marriage (e.g., Tennessee)

(UCLA Williams Institute, 2016)
Easy to think we are “done”

**Myth of completion:** Marriage rights mean discrimination is over.

Change-makers, legislators, advocates for justice must resist the idea that we are done.

CLAGS “After Marriage” conference

- We want to look at the “what now?” question & many issues that were perhaps neglected during the focus on marriage rights.
Four Main Themes:

EDUCATION
WORKPLACE
HEALTH
VIOLENCE & HOMELESSNESS
Four Main Themes:

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2014-

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient’s educational programs and activities.” (Office of Civil Rights Title IX Guide)

(Chronicle of Higher Ed, 2015; Office of Civil Rights, 2014)
Educational Settings

► Josephine Tittsworth, LSW
► Scholarship revoked after meeting her in person
► Anti-trans jokes made by faculty in committee meetings
► Forge policies for equality and inclusion of gender identity and expression
  ► Case, Kanenberg, Erich, & Tittsworth, 2012

(Case et al., 2010, 2012; Mills College, 2013; Penn State, 2011; Sausa, 2002)
Educational Settings: Outcomes

- **Daily microaggressions and bullying** mean facing a hostile learning environment
- Negative impact on **mental health** and even **physical health**
- **Depression & suicides** - LGB show 5 times higher suicide attempt rates
  - Higher for:
    - LGB people of color
    - Transgender (estimated 40% attempt suicide)
    - Transgender people of color
      - 56% of American Indian & Alaskan Native transgender people

(CDC, 2016; Nadal, 2013; Trevor Project, 2016; Williams Institute, 2016)
Educational Settings: Outcomes

- **Impact on academic work** - skip school, grades suffer, drop out, do not continue into higher education

- **Willy Roberts** dropped out 2 months before we graduated
  - Daily harassment, threats of violence; teachers vocally anti-gay
  - That was a few years ago, but still holds true today.

(Case et al., 2010, 2012; CDC, 2016; Mills College, 2013; Nadal, 2013; Penn State, 2011; Sausa, 2002)
Despite stated inclusion under “sex,” LGBTQ students are not protected.

State and local efforts to deny these rights:

- 2016 TN House bill (failed) - required public students to use restrooms/locker rooms matching sex listed on original birth certificate.
- 2016 TN defunded UTK Office of Diversity and Inclusion ($400k) in part because it supported programs for LGBTQ students.
State and local policy efforts to deny these rights:

- 2011- TX considered a budget amendment requiring “centers for family and traditional values” only if university had an LGBT center.

- 2011- TX House defeated a bill requiring school districts to report incidents of harassment & discrimination based on sexual orientation and gender identity.
Educational Settings ▶ WHAT WE NEED

- Asher Brown age 13 - bullied for 18 months; shot & killed himself 2009
- Mother said school refused to protect Asher
  - School district refused free training to teachers and staff

WHAT POLICIES WOULD HELP?
- LGBTQ-specific training for teachers, staff, coaches
  - general training less effective
  - Require reporting/tracking of harassment/discrimination

(Case & Meier, 2014; Mills College, 2013; Penn State, 2011; Sausa, 2002)
Student non-discrimination protections:
- explicitly state sexual orientation and gender identity & expression
- Employment protections for LGBTQ so that students have role models
- Right to safe zones & student groups
  - 2003 ACLU lawsuit Klein HS- Jaxson still could not get GSA in 2012
- Policies requiring comprehensive sex education inclusive of LGBTQ
- Protection for listing 2 parents of same sex in school records
- Ban discrimination against foster/adoptive parents due to sexuality, gender identity, marital status (family and home stability affect education)

(Case & Meier, 2014; Mills College, 2013; Penn State, 2011; Sausa, 2002)
Educational Settings → WHAT WE NEED

Need policies across K-12 and Higher Ed:

- **Names** - Application form, student id cards, software systems only “male/female”
- **Restrooms** - single stall bathrooms in each building?
- **Athletics** - male/female teams, showers, locker rooms
- **Housing** - LGBT safe? Gender-neutral options?
- **Campus Healthcare** - staff training & services for LGB & Trans students

(Chronicle of Higher Ed, 2015; Mills College, 2013; Penn State, 2011; Seattle Univ., 2011)
Four Main Themes:

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Employment Settings

- Houston Equal Rights Ordinance - HERO (2015)
- Would ban discrimination based on “sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, or pregnancy”
- Covered city employment, city services, city contracting practices, housing, public accommodations, & private employment
Employment Settings

Labeled as the “bathroom ordinance”
- instilled fear in voters
Employment Settings

**HERO- Lt. Governor Dan Patrick quote:**

- “It was about protecting our grandmoms, and our mothers and our wives and our sisters and our daughters and our granddaughters.”
- “It was about allowing men to enter women’s restrooms and locker rooms – defying common sense and common decency.”

<table>
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<th>Houston, Proposition 1</th>
<th>Result</th>
<th>Votes</th>
<th>Percentage</th>
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<tr>
<td>No</td>
<td>157,110</td>
<td>60.97%</td>
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<tr>
<td>Yes</td>
<td>100,582</td>
<td>39.03%</td>
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Employment Settings

Supreme Court ruling on same-sex marriage (June 2015)

- Kevin in NYC versus Kim in Texas
- Immediate impact on employment rights such as health insurance, retirement benefits to spouse, other spousal benefits, etc.
- Christal & Melissa - health insurance
- Colt and Becca renewed vows in Houston
- Stacey and Beth married 6 days later (TN)
Supreme Court ruling on same-sex marriage (June 2015)

But wait…in 2016:

- Alabama State Supreme Court Chief Justice ordered judges to uphold state ban on same-sex marriage
  - Suspended Sept 30, 2016
- Several counties in TN also tried to banned same-sex marriage
- **Resist the myth of completion** - even when we think an issue is settled, stronger policies and vigilance are essential
Employment Settings: Outcomes

- Afraid to be out at work; microaggressions & harassment
- 42% LGB experienced employment discrimination in their lives
- 90% of transgender workers encountered harassment or mistreatment on the job
  - 26% had been fired for being transgender
- Wage disparities:
  - Gay/bisexual men earn 10-32% less than heterosexual men
  - Transgender women wages fell 1/3 after transition
  - Intersections- impact on wages

(Schilt & Wiswall, 2008; Sears & Mallory, 2014; UCLA Williams Institute, 2014)
Employment Settings  WHAT WE NEED

- discrimination based on **sexual orientation and gender identity** qualify as protected under “**sex**”
  - EEOC & Executive orders
- However, judges/juries often rule they are **NOT covered**.
  - *This month*- Louisiana Attorney General blocked state contracts that include LGBT workplace protections
- **Protections** - currently not explicitly & directly named
- We need **stronger language** explicitly listing both

AG Jeff Landry
Employment Settings ➔ WHAT WE NEED

- Need EEOC officers training on LGBTQ microaggressions that create a hostile work environment
- Need protection that allows both same-sex parents to be included in legal definition of parent
  - Many states (Texas) define parent as one man and one woman
  - Need policies that automatically include both same-sex parents (without adoption)
  - Denies access to workplace dependent benefits

WHAT WE NEED TO DEFEAT:
- Policies making it legal to discriminate against LGB and transgender people
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LGBTQ Health Disparities

- Heterosexual/ cisgender adults are more likely to have health insurance
- LGBTQ adults are more likely to delay or not seek medical care
- LGBTQ adults are more likely to delay or not get needed prescription medication
- LGBTQ are more likely to receive health care services in emergency rooms.
Transgender Health Disparities
- Transgender people often have to educate their health care providers
- Transgender people are often misgendered by all aspects of the health care system.
- Few training programs require transgender competencies.

LGBTQ Communities of Color
- LGBTQ people of color experience higher prevalence of health disparities than LGBTQ White people
- “Coming out processes” different for many LGBTQ people
Health

WHAT WE NEED

- Data Disaggregation and Reporting
- Comprehensive Cultural Competence in Health Settings
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Violence & Homelessness

**Violence**
- LGBTQ youth of color are more likely than White LGBTQ youth to experience physical violence because of their identities.

**Homelessness**
- While 10% of U.S. population is estimated to be GLBTQ, 42% of homeless youth are LGBTQ.
- Majority of LGBTQ homeless youth are people of color

(Nadal, 2013; National Coalition of Anti-Violence Programs, 2015)
Violence & Homelessness \Rightarrow WHAT WE NEED

- Matthew Shepard and James Byrd, Jr. Hate Crimes Act (2009)
- Cultural Competence in Criminal Justice Settings
- Increased Anti-Violence Programs and Community Partnerships
SUMMARY: What We Need

LEGAL PROTECTIONS
- EXPLICIT INCLUSION
- FUNDING/GRANTS
- DATA/RESEARCH
- TRAINING