

Toward LGBTQ

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

KIM A. CASE, PH.D.

UNIVERSITY OF HOUSTON-CLEAR LAKE

KEVIN LEO YABUT NADAL, PH.D.

JOHN JAY COLLEGE OF CRIMINAL JUSTICE



The Society for the
Psychological Study of
Social Issues
Sound science, sound policy

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)

Why This Matters in 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:



EDUCATION

WORKPLACE

HEALTH

VIOLENCE & HOMELESSNESS



Educational Settings



U.S. Department of Education

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

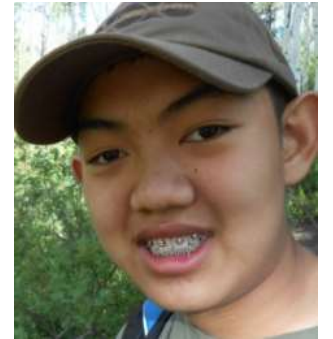


Aiyisha Hassan



Carlos Vigil

- ▶ **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



David Phan



Jess Shipp

(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)

Educational Settings: Outcomes

- ▶ 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



Educational Settings: Outcomes

- ▶ 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.



Welcome to the Texas A&M GLBT Resource 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



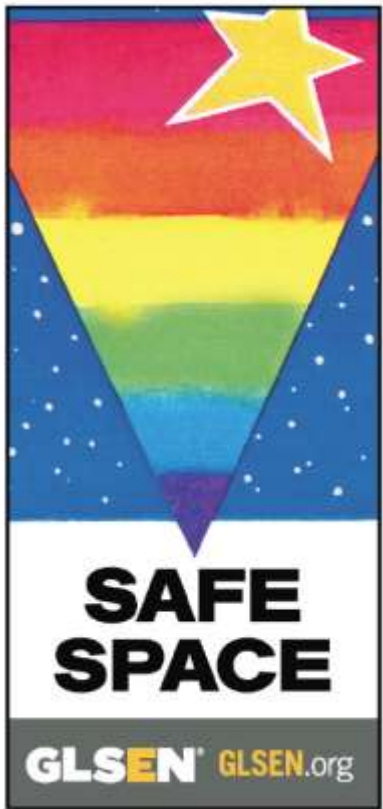
- ▶ Asher Brown age 13- bullied for 18 months; shot & killed himself 2009
- ▶ Mother said school refused to protect Asher
 - ▶ School district refused free training to teachers and staff

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)

Educational Settings → WHAT WE NEED



- ▶ 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



**Skylar Lee
(suicide at 15)**

Need policies across K-12 and Higher Ed:

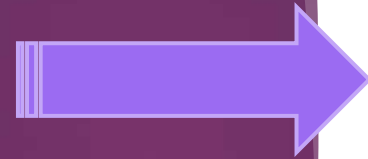
- ▶ **Names-** Application form, student id cards, software systems only “male/female”
- ▶ **Restrooms-** single stall bathrooms in each building?
- ▶ **Athletics-** male/female teams, showers, locker rooms
- ▶ **Housing-** LGBT safe? Gender-neutral options?
- ▶ **Campus Healthcare-** staff training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



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



Four Main
Themes:



EDUCATION

WORKPLACE

HEALTH

VIOLENCE & HOMELESSNESS



Employment Settings



Melanie Espinosa Pang
HERO Advocate

- ▶ 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.”

Houston, Proposition 1		
Result	Votes	Percentage
✘ No	157,110	60.97%
Yes	100,582	39.03%



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)



Employment Settings

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



Roy Moore

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



Fear of coming out

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



Four Main
Themes:



EDUCATION

WORKPLACE



HEALTH

VIOLENCE & HOMELESSNESS

Health

▶ **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.

Health

▶ **Transgender Health Disparities**

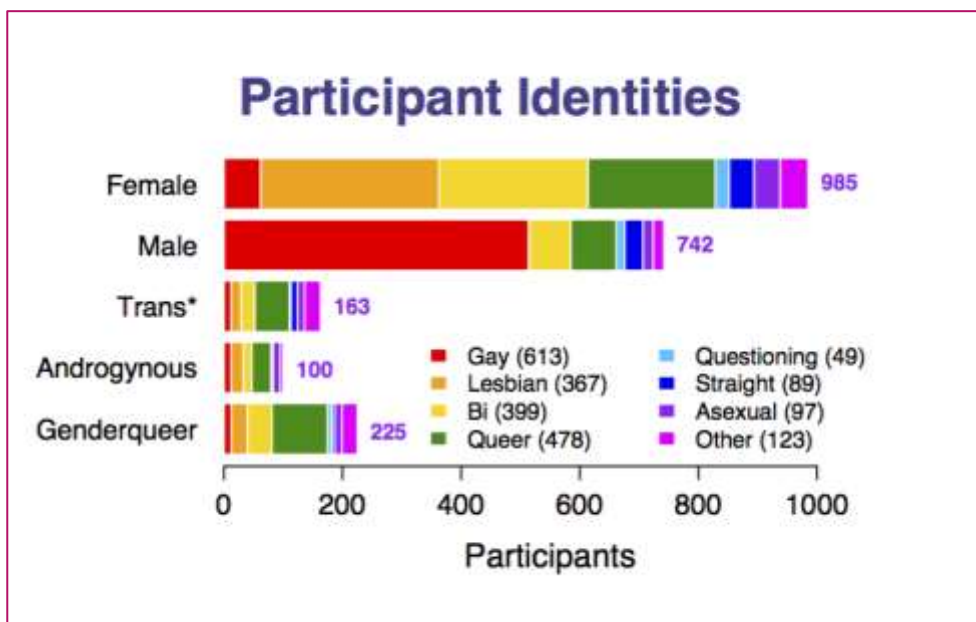
- ▶ Transgender people often have to educate their health care providers
- ▶ Transgender people are often misgendered by all aspects of the health care system.
- ▶ Few training programs require transgender competencies.

▶ **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





Four Main Themes:



EDUCATION

WORKPLACE

HEALTH



VIOLENCE & HOMELESSNESS

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 → 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

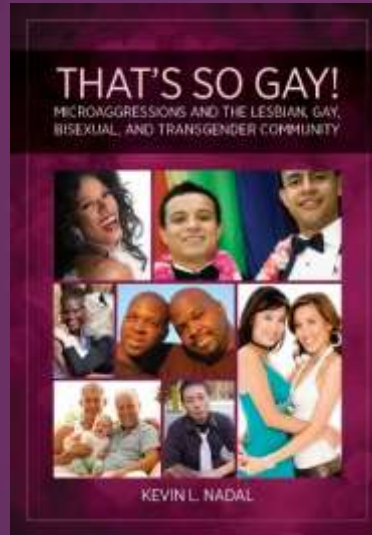
TRAINING

OUT TALK with Dr. Kevin Nadal



www.facebook.com/outtalk
twitter: @kevinnadal

Kevin L. Nadal, Ph.D.
www.kevinnadal.com
twitter: @kevinnadal



caseki@uhcl.edu
www.drkimcase.com
twitter: @drkimcase

Intersectionality & Privilege Pedagogies:
www.facebook.com/drcasepedagogy

