

Trends – Recent Case Law Regarding LGBTQ Students

By: Bruce A. Harris, Esq.

I. Equal Access Clubs

1) Equal Access Act --20 U.S.C. § 4071. Denial of equal access prohibited

It shall be **unlawful** for any **public secondary school** which receives Federal financial assistance and which has a limited open forum **to deny equal access** or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, **or other content of the speech at such meetings.**

A public secondary school has a **limited open forum** whenever such school grants an offering to or opportunity for one or more **noncurriculum related student groups to meet on school premises during noninstructional time.**

The meeting is **voluntary and student-initiated.**

There is **no sponsorship of the meeting by the school, the government, or its agents or employees.**

The **meeting does not materially and substantially interfere with the orderly conduct of educational activities** within the school.

Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

2) U.S. Department of Education

Elementary & Secondary Education
Key Policy Letters from the Education Secretary and Deputy Secretary
June 14, 2011

By Arne Duncan

Harassment and bullying are serious problems in our schools, and lesbian, gay, bisexual, and transgender (LGBT) students are the targets of disproportionate shares of these problems.

Safe Schools Improvement Act - proposed amendment to the Elementary & Secondary Act - bill is policy that enumerates sexual orientation + gender identity.

Gay-straight alliances (GSAs) and similar student-initiated groups addressing LGBT issues can play an important role in promoting safer schools and creating more welcoming learning environments. Nationwide, students are forming these groups in part to combat bullying and harassment of LGBT students and to promote understanding and respect in the school community.

These same barriers have sometimes been used to target religious and other student groups, leading Congress to pass the Equal Access Act.

In 1984, Congress passed and President Reagan signed into law the Equal Access Act, requiring public secondary schools to provide equal access for extracurricular clubs.

The general rule, approved by the U.S. Supreme Court, is that a public high school that allows at least one noncurricular student group to meet on school grounds during noninstructional time (e.g., lunch, recess, or before or after school) may not deny similar access to other noncurricular student groups, regardless of the religious, political, philosophical, or other subject matters that the groups address.

3) Palm Beach County School Board Policy 2.121 Student Activities in the Schools 4/21/1999

This policy is intended to implement the Federal Equal Access Act, 20 U.S.C. §§ 4071, et. seq., and the First Amendment of the U.S. Constitution. If one non-curriculum club has access to the specific methods of communication within the policy (meeting space, listing in school handbooks, school newspapers, the yearbooks, and bulletin boards), then the same access must be offered to other non-curriculum clubs.

4) *Straights and Gays for Equality (SAGE) v. Osseo Area Schools—District No. 279*, 540 F.3d 911 (8th Circuit 2008)

Equal Access – Gay group had same equal access including for communication, meeting times and places. SAGE was not a curriculum club.

5) *Straights and Gays for Equality (SAGE) v. Osseo Area Schools—District No. 279*, 471 F.3d 908 (8th Circuit 2006)

Equal Access – GLBT group would have the same avenues of communication as other noncurriculum groups. The preliminary injunction was upheld. Curriculum vs. non-curriculum groups were distinguished.

6) *Boyd County High School Gay Straight Alliance v. Board of Education of Boyd County*, 258 F.Supp.2d 667 (E.D. Kentucky 2003)

Equal Access Act (EAA) – School board tried to claim this group was a curriculum group due to the school having a course in human sexuality but the court disagreed. Once one noncurriculum group is open, all have the same rights. The group was intended to promote tolerance, The

disruption by the community following the school's recognition of the group was caused by opponents not supporters of the group. The school board then banned all clubs but several still met. No material or substantial interference was caused by the group. Gay rights group was granted a preliminary injunction as substantial likelihood the group would prevail that the school violated the rights of the students under the EAA.

- 7) *Krestan v. Deer Valley Unified School District No. 97, of Maricopa*, 561 F.Supp.2d 1078, 1085 (D. Ariz. 2008)

Although the text of the statute refers to meetings, courts have made clear that the Act extends to all opportunities afforded non-curriculum student clubs.

- 8) *Board of Education of the Westside Cmty. School v. Mergens*, 496 U.S. 226, 247, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990)

The U.S. Supreme Court explained that by placing religious student clubs on equal footing with similar non-religious student organizations the Act "allows student clubs to be part of the student activities program and carries with it access to the school newspaper, bulletin boards, the public address system, and the annual Club Fair."

- 9) *Caudillo v. Lubbock Independent School District*, 311 F.Supp.2d 550 (N.D. Texas 2004)

First Amendment – Here the court upheld the school's denial of a gay straight association's recognition as a group and access to post signs and communicate. The group had a website with a link to a website which was sexually explicit and taught safe sex. The court found that under the Equal Access Act the school could avoid disruption, maintain order and discipline, and protect the well being of the students. An educational mission of the school was abstinence only.

- 10) *Gay-Straight Alliance of Okeechobee High School v. School Board of Okeechobee County*, 483 F.Supp.2d 1224 (S.D. Florida 2007)

Preliminary injunction was granted in favor of the group. The school board had denied access and one of its grounds was that this was a sex based club relying on the *Caudillo case*. The group denied being a sex based club and contended its purpose was to promote tolerance and equality. The court found that the club's purpose did not conflict with Florida's abstinence only policy and ordered that the school district officially recognize the club and grant it the rights of other clubs.

- 11) *Gonzalez v. School Board of Okeechobee County*, 571 F.Supp.2d 1257 (S.D. Florida 2008)

Equal Access Act –The court ordered the school district recognize the Gay Straight Alliance as a student club and was obligated to provide equal access. The group's tolerance message would not substantially interfere with discipline in the school's operation.

II. Anti-Discrimination Policies

1) Palm Beach County School Board Policy 5.001 Protecting Students from Harassment and Discrimination

General Provisions.-- The School Board of Palm Beach County, Florida, as governing body of the School District ("School District" or "District"), does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, gender expression and/or gender identity, race, color, religion, national origin, age, disability, marital status, ancestry, ethnicity, gender, linguistic preference, political beliefs, sexual orientation, or social/family background in its education programs or admissions to education programs and therefore prohibits such discrimination against, or harassment of, any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

2) School Board Policy 5.81 Protecting Students from Sexual Harassment and Discrimination

General Provisions.-- The School Board of Palm Beach County, as governing body for the District of Palm Beach County, Florida ("School District" or "District"), does not discriminate on the basis of sex or gender expression and/or identification in education programs and prohibits sexual harassment of, or sex/gender-based discrimination against, any student or applicant for admission by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the School District.

3) School Board Policy 5.60 Eligibility for Participation in K-12 Extracurricular Activities

Equitable Participation

No extracurricular activity shall be provided or conducted separately on the basis of any actual or perceived characteristics listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular activity be required or refused on those bases.

- a. Principals shall select faculty advisors, directors, coaches, sponsors, and staff who are diverse in racial, ethnic, and gender composition.
- b. Students shall not be excluded from, nor denied positions of leadership in any extracurricular activity due to race, color, religion, sex, ethnicity, national origin, age, sexual orientation, gender identity or expression, genetic information, marital status, parental status, disability, limited English proficiency, or any other characteristic protected by law.

4) U.S. Dept. of Education

Dear Colleague Letter
Office of the Assistant Secretary
October 26, 2010

By Russlynn Ali
Assistant Secretary for Civil Rights

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that **some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department's Office for Civil Rights (OCR)**. As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment. ...

As noted in the example, the school failed to recognize the pattern of misconduct as a form of sex discrimination under Title IX. **Title IX prohibits harassment of both male and female students regardless of the sex of the harasser—i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.** ...

Although Title IX does not prohibit discrimination based solely on sexual orientation, **Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination.** When students are subjected to harassment on the basis of their LGBT status, they may also, as this example illustrates, be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment. In this example, the harassing conduct was based in part on the student's failure to act as some of his peers believed a boy should act. The harassment created a hostile environment that limited the student's ability to participate in the school's education program (e.g., access to the drama club). Finally, even though the student did not identify the harassment as sex discrimination, the school should have recognized that the student had been subjected to gender-based harassment covered by Title IX.

In this example, the school had an obligation to take immediate and effective action to eliminate the hostile environment....

III. Filtering of Websites

- 1) *Parents, Families, and Friends of Lesbians and Gays, Inc. v. Camdenton R-III School District*, 853 F.Supp.2d 888 (W.D. Missouri 2012)

The issue of this case involved Internet filtering by a school district. The court granted a preliminary injunction in favor of the website publishers who provided supportive resources for LGBT youth and a student. The court found that there was discrimination against those websites as the sexuality filter had blocked these sites. There was viewpoint discrimination.

- 2) Palm Beach County School Board Policy 8.125 District Review and Filtering of Web Sites

The blocking of gay/lesbian websites was reported in the newspaper. The ACLU contacted the District, which unblocked the sites and created this policy.

DISCIPLINING STUDENTS FOR OFF- CAMPUS TEXT MESSAGING/SOCIAL NETWORKING/FACEBOOK STATEMENTS



Bruce A. Harris, Esq.

In 2013 the Legislature amended Florida Statute Section 1006.147 to include as prohibited bullying and harassment of a student or employee conducted "through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school." (emphasis added)

The prohibition of cyberbullying of a student was also added to the statute and was defined as:

bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. **Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.** Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying. (emphasis added)

Thus, students may be disciplined for engaging in cyberbullying though off-campus computers and social network sites.

On August 26, 2011, the Superintendent issued BULLETIN #P- 3983-CAO/GC -- *Guide for School Administrators when Viewing Social Networking Sites Relating to Students (including FACEBOOK): Elevated/Extended Internet Access (Access and Usage Do's and Don'ts)*. Has the law changed since the time of the bulletin or is there any greater guidance? Unfortunately, there appears to be no greater certainty to guide school administrators. The United States Supreme Court and the

Eleventh Circuit Court of Appeals (the court whose opinions govern Florida) have not yet ruled on this issue of the school's authority to regulate student online speech that does not occur on a school campus or at a school-sponsored event.[1]

Accordingly, it remains the General Counsel's office's recommendation for school administrators to continue to follow the advice within the August 26, 2011 Bulletin when determining whether the discipline a student for off-campus on-line statements and be cautious. There needs to be a material disruption to the campus or, as in the case of bullying, that substantially invades the rights of others.

Below are some facts patterns upon which court decisions have been based. Before reading the court's ruling, consider how you would decide the issue and if you believe discipline of the student was warranted under these circumstances.

- 1) **Facts:** A high school student "engaged in a string of increasingly violent and threatening instant messages [though the social networking site MySpace] sent from home to his friends bragging about his weapons, threatening to shoot specific classmates, intimating that he would "take out" other people at a school shooting on a specific date, and invoking the image of the Virginia Tech massacre. His friends were alarmed and notified school authorities, who temporarily expelled Landon based in large part on these instant messages."

Court decision: The court determined that "the messages presented a real risk of significant disruption to school activities and interfered with the rights of other students. Under the circumstances, the school district did not violate Landon's rights to freedom of expression or due process." *Wynar v. Douglas County School District*, 728 F. 3d 1062 (9th Cir. 2013).

- 2) **Facts:** A student had been removed as the student body president of his high school for a number of reasons, including some of his postings on the internet. On Facebook he had vilified the school's principal by stating to another student that "President's Council was shot down by Ms. Kersey" and that "[s]he refused to give him school time for the activity and restricted it in such a way that it would be impossible to make it anything more than a 20-minute discussion group." In addition, in a Facebook conversation he was accusing "specific Council members to protect self from disgruntled student body".

Court decision: The Northern District of Georgia court determined these comments were protected free speech.

(Disciplining Students, page 3)

(*Disciplining Students*, page 2) The court could not determine what the second sentence meant and found that the Facebook conversation with another student was non-violent and did not cause a material or substantial disruption at the school. *Lack v. Kersey*, 2012 WL 1080620 (N.D. Ga. 2012).

3) **Facts:** A high school student created a parody profile making fun of the school principal on "MySpace.com." The student created the profile using his grandmother's computer at her home, during non-school hours. The student copied a photograph of the principal that he obtained from the school's website. The profile contained bogus questions and answers based on the theme "big" as the principal apparently was a big man. This profile referred to the principal in "big" terms including a "big steroid freak" and that he smoked a "big blunt". The student allowed access to the profile to other students in the district by adding --"friends" to the profile and eventually the existence of the profile soon reached many of the school's students. The student engaged in some limited conduct related to the profile while in school, accessed the profile from a computer in his Spanish classroom, and showed the profile to other classmates. In one computer lab a teacher observed students congregating around a computer. Note, the school district did not argue to the appellate court that a connection existed between the student's speech and a substantial disruption of the school.

The student admitted he created the profile and apologized to the principal. The school still suspended him for 10 days. The disciplinary codes used were for "disruption of the normal school process", disrespect, harassment of a school administrator via computer/ internet, and gross misbehavior. Other students posted even more vulgar comments on the profile but they were not disciplined. No criminal charges were filed.

Court decision: The court ruled that the discipline violated the student's First Amendment speech rights since no connection existed between creation of the parody of the principal and a substantial disruption of the school environment. Even though the speech was aimed at the school community and the principal, absent a substantial disruption of the school, the school could not regulate the conduct. The



court rejected the school's argument that this conduct constituted on-campus speech and further held that the discipline was not warranted by the student's taking the principal's photo from the school district's website. *Layschock v. Hermitage School District*, 650 F.3d 205 (3d Cir. 2011).

4) **Facts:** An eighth grade student had created, through a home computer during non-school hours, on the website MySpace.com an imposter personal profile of her school's principal with his picture. The principal's picture had been taken from the school district's website but the student's website did not name him, the school, or the location. The site contained adult language and sexually explicit content and included nonsense and juvenile humor as well as profanity and personal attacks. The profile was "so outrageous that no one took its content seriously."

The site at first could be viewed by anyone, but after one day, the profile became private and was limited to the student's friends, and included about 20 school district students. A paper copy of the website was brought into school at the request of the principal to view it, and the website was discussed in school. The student admitted her role in creating the website. Although a substantial disruption did not occur, there was in fact some disruption during school hours, including two teachers reporting that students were discussing the profile in class and were asked to stop. A counselor also interrupted her schedule about a half hour to sit in during the principal's meeting with the student. The school suspended the student.

Court decision: The court assumed, without deciding, that the *Tinker* standards applied to off-campus speech by the student. Although the school showed some disruption ("general rumblings, a few minutes of talking in class, and some officials rearranging their schedules"), the court found that the student's speech did not cause a substantial disruption. The school did argue that based on the facts the school could reasonably forecast substantial disruption. The court, however, disagreed and stated that the profile was so outrageous it could not be taken seriously, the principal was not identified by name or school, the school's filter blocked access to MySpace so no students could view the profile from school, and the student had taken steps to keep the profile private. The student did not intend for the speech to reach the school and took steps to keep it private, even though some of her friends were students at the school. Because her conduct "indisputably caused no substantial disruption in school" and "could not reasonably have led school officials to forecast substantial disruption", the court found a violation of the student's First Amendment free speech rights and that discipline of student was not warranted.

The court also rejected the school's argument that the speech could be prohibited because of its lewd and vulgar content. The court would not apply this exception to *Tinker* to off-campus speech that was not school-sponsored or at a school-sponsored event. *J.S. v. Blue Mountain School*

(*Disciplining Students*, page 6)

Legally Speaking . . .

Page 6

Disciplining Students, page 3 District, 650 F.3d 915 (3d Cir. 2011).

5) **Facts:** A high school student created from her home computer a discussion group MySpace.com webpage that ridiculed, another student. The webpage was called "S .A.S.H.," which the student claimed stood for "Students Against Sluts Herpes", although another student contended it meant "Students Against Shay's Herpes." who was the "main subject of discussion on the webpage." The creator invited 100 of her MySpace friends to join the webpage and about two dozen students at the school did join. The first student who responded used a school computer after hours and ridiculed the victim student. Other comments were also posted and the creator responded and approved of many of the derogatory postings. One of the other students posted photos of the victim with red dots on her face to make it appear that she had herpes.

The student was suspended for five days and received a 90 day social suspension which precluded her from participating in extracurricular activities.

Court decision: The court held that the student "used the Internet to orchestrate a targeted attack on a classmate, and did so in a manner that was sufficiently connected to the school environment as to implicate the School District's recognized authority to discipline speech which "materially and substantially interfer[es] with the requirements of appropriate discipline in the operation of the school and collid[es] with the rights of others ." The creation of this group forced the student targeted by the site to miss school to avoid further abuse. Additionally, if the school had not intervened, the potential for more serious harassment was real. This speech eventually made its way to the school in a meaningful way. It was foreseeable that the student's conduct would reach the school through electronic devices as most of the group members were students at the school and the target of the group's harassment was a school student. In fact the webpage made its way into the school and was first accessed by a student at the school on a school computer. The court upheld the school district's discipline of the student. *Kowalski v. Berkeley County Schools*, 652 F.3d 565 (4th Cir. 2011).

6) **Facts:** A high school student sent instant messages from his home computer to a classmate in which he talked about getting a gun and shooting some other students at the school. The student receiving the message and an adult notified the principal. The school notified the police who placed the student in juvenile detention and the student was later suspended for the remainder of the year. After word had spread in the school community about the student's comments, the principal received numerous phone calls from concerned parents asking what the school was doing to address the threat: and whether their children were on a rumored

hit list. The school increased campus security in several respects, including assigning staff to monitor entrances and public areas, limiting access to the school, and communicating these changes to parents.

Court decision: The court referred to one of its earlier decisions. In that case the court "defined a true threat as a 'statement that a reasonable recipient would have interpreted as a serious expression or an intent to harm or cause injury to another.' The speaker must in addition have intended to communicate his statement to another. That element of a true threat is satisfied if the 'speaker communicates the statement to the object of the purported threat or to a third party.'"

Here, although the student did not communicate any threatening statements to the teenagers targeted in his messages, he intentionally communicated them to a third party, who was a classmate of the targeted students. Thus, the student "knew or at least should have known that the classmates he referenced could be told about his statements True threats are not protected under the First Amendment, and here the District was given enough information that it reasonably feared [the student] had access to a handgun and was thinking about shooting specific classmates at the high school. . . . [S]chool officials would have exposed the District to what reasonably appeared to them as a serious risk of harm to students and disruption of the school environment if no action had been taken in response to [the student] 's threatening instant messages which met our court's test for true threats" . Additionally, "[here], it was reasonably foreseeable that [the student's] threats about shooting specific students in school would be brought to the attention of school authorities and create a risk of substantial disruption within the school environment." *D.J.M. v. Hanibal Public School Dist. No. 60*, 647 F.3d 754 (8th Cir. 2011).

7) **Facts:** A school official disciplined R.S.—a Middle School student —"for two postings on her Facebook wall. One posting expressed her dislike of an adult school employee and another expressed salty curiosity about who had "told on her." Plaintiffs argued that the punishment of her out-of-school wall postings violated her First Amendment right to free speech. Plaintiffs further alleged that school officials forced R.S. to involuntarily surrender her Facebook and email passwords upon their learning that R.S. and one of her classmates had an out-of-school sex-related conversation. They argued that the officials' subsequent search of R.S.'s private Facebook account constituted an unlawful search under the Fourth Amendment."

Court decision: The district court concluded that the plaintiffs stated claims they could litigate and summarized the law on disciplining students for out-of-school statements: "Such statements are protected under the First Amendment and not punishable by school authorities unless they are true threats or are reasonably calculat-

(*Disciplining Students*, page 7)

Legally Speaking ...

Page 7

Disciplining Students, page 6 . ed to reach the school environment and are so egregious as to pose a serious safety risk or other substantial disruption in that environment. R.S.'s Facebook wall postings were not true threats or threats of any kind. While her statements may have been reasonably calculated to reach a school audience, that possible fact is not sufficient to justify her punishment. The school defendants must also show that the statements posed a substantial disruptive effect." *R.S. v. Minnewaska Area School District No. 2149*, 894 F.Supp.2d 1128 (D. Minn. 2012).

Please let us know if you have questions when situations arise concerning student discipline and technology related matters.

[1]The Eleventh Circuit has ruled on what constitutes material disruption for on campus activities, but this case did not involve off-campus activity by the student. In *Boim v. Fulton County School*

Transgender

Transgender is an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth. Gender identity refers to a person's internal sense of being male, female or something else; gender expression refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice or body characteristics. "Trans" is sometimes used as shorthand for "transgender." While transgender is generally a good term to use, not everyone whose appearance or behavior is gender-nonconforming will identify as a transgender person. The ways that transgender people are talked about in popular culture, academia and science are constantly changing, particularly as individuals' awareness, knowledge and openness about transgender people and their experiences grow.

Gender Identity vs Sexual Orientation

Gender identity and sexual orientation are not the same. Sexual orientation refers to an individual's enduring physical, romantic, and/or emotional attraction to another person, whereas gender identity refers to one's internal sense of being male, female, or something else. Transgender people may be straight, lesbian, gay, bisexual, or asexual, just as nontransgender people can be. Some recent research has shown that a change or a new exploration period in partner attraction may occur during the process of transition. However, transgender people usually remain as attached to loved ones after transition as they were before transition. Transgender people usually label their sexual orientation using their gender as a reference. For example, a transgender woman, or a person who is assigned male at birth and transitions to female, who is attracted to other women would be identified as a lesbian or gay woman. Likewise, a transgender man, or a person who is assigned female at birth and transitions to male, who is attracted to other men would be identified as a gay man.

<http://www.apa.org/topics/lgbt/transgender.aspx?item=1>



TRANSGENDER AND GENDER NON- CONFORMING STUDENTS: YOUR RIGHTS AT SCHOOL

April 2014

Bullying, harassment, or discrimination against transgender or gender nonconforming students is covered by Title IX, a federal law that prohibits sex discrimination in schools. This resource outlines the rights trans and gender nonconforming students have in schools and how to file formal complaints. While NCTE does not provide legal services, we encourage anyone who cannot resolve issues through the complaint processes discussed here to seek legal counsel.

WHAT LAWS PROTECT YOU AT SCHOOL?

The following laws offer protection for trans and gender non-conforming students:

- **Title IX** is a federal law prohibiting sex discrimination in schools. The U.S. Department of Education, as well as many courts, have concluded that discrimination or harassment because a person is transgender or gender non-conforming is illegal sex discrimination. Title IX applies to all schools (K-12 and post-secondary) that accept federal funds, including nearly all public schools. Complaints of discrimination or harassment can be filed with the U.S. Department of Education.
- **State laws and school district policies** in many jurisdictions also explicitly prohibit discrimination in schools based on gender identity or expression as well as sexual orientation. California, Colorado, Connecticut, the District of Columbia, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Jersey, Oregon, Vermont and Washington State have such laws, which are enforced by state civil or human rights agencies. Many school districts also have policies prohibiting discrimination based on gender identity or expression or sexual orientation.
- **The Equal Access Act** requires all school-affiliated student organizations, such as a Gay-Straight Alliance or Pride Alliance, to be treated equally. This means that schools cannot ban certain types of groups or single them out for worse treatment.
- **The Family Educational Rights and Privacy Act** protects personal information about students in school records, and in most circumstances prohibits release of this information without consent.
- **The First Amendment** of the U.S. Constitution protects the right of students to free speech and freedom of expression, including expression of one's gender identity.

WHAT ARE YOUR RIGHTS AT SCHOOL

You have the right not to be targeted for bullying or harassment because you are transgender or gender non-conforming. If school administrators become aware of bullying or harassment they have an obligation to take action to stop it.

You have the right to equal educational opportunities regardless of your gender identity or expression. This includes not being disciplined or excluded from school, athletic or extracurricular activities, or other school events because you are transgender or gender non-conforming.

WHAT ARE YOUR RIGHTS AT SCHOOL? (CONTINUED)

You also have the right to be free from discrimination based on your race, color, national origin, or disability.

You have the right to wear clothing and otherwise present yourself in a way that is consistent with your gender identity, so long as you follow rules for appropriate dress that apply to all students. Disciplining you for doing so may constitute discrimination or violate your right to free expression.

You have the right to privacy concerning your transgender status and gender transition. Any such information that is recorded in school records must be treated as confidential and not disclosed to others without your consent. You have the right to form and participate in student groups, such as a Gay-Straight Alliance or Pride Alliance, and to have your group treated like other student groups.

WHAT CAN YOU DO ABOUT DISCRIMINATION AT SCHOOL?

If you or someone close to you has experienced bullying, harassment or intimidation, you can start by bringing your concerns to school and district officials. Contact your school district, find out about its nondiscrimination and anti-bullying policies, and to try to reach an appropriate resolution.

If you cannot resolve the issue at the district level or if you fear retaliation, filing a formal complaint of discrimination is one major action you can take. These complaints can lead to actions by schools to stop ongoing problems, change policies, train staff, and take other steps to protect students. They also help build a record of discrimination against trans and gender non-conforming students, which can be used to advocate for stronger protections at the local, state and national level.

The U.S. Department of Education, through its Office for Civil Rights (OCR), is charged with enforcing Title IX. Complaints of gender-based bullying, harassment, or discrimination at school, you can file a complaint directly with OCR. In cases where OCR declines to pursue a case, state and local laws may offer additional protections.

In addition to addressing individual complaints, OCR's field offices also engage in a variety of activities to help schools better address bullying, harassment, and discrimination. Parents, students and community organizations can contact OCR field offices to see how they can work with you to enhance your local schools' capability to prevent and respond to bullying, harassment and discrimination.

HOW DO I FILE A COMPLAINT?

You can file a complaint with OCR by filling out a complaint form online at: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>. You can also download a complaint form to submit by mail or email here: <http://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>.

There are a few important things to know about filing a complaint:

- **File as soon as possible.** A complaint must be filed within 180 days of when the discrimination or bullying and harassment occurred. If the complaint is not filed on time, you should provide the reason for the delay and request a waiver of the deadline.
- **Report it as "sex discrimination."** In order to for the claim to be covered under Title IX, it is important to report "sex" as the basis of the discrimination.
- **Complete the entire form.** Incomplete complaints won't be investigated. If OCR needs more information in order to process the complaint, it may contact you for more information. You will then have 20 calendar days within which to respond to OCR's request for information.

HOW DO I FILE A COMPLAINT? (CONTINUED)

- **Provide details.** Include in your complaint as many details as you can regarding the people and events involved, and when and where events occurred.
- **Complaints are confidential.** Information about your complaint will not be shared without permission.
- **Family, friends, or other supporters can file a complaint.** Complaints do not need to be filed by the person(s) experiencing the bullying, harassment or discrimination. Anyone, including friends, family, and school staff, can file the complaint.
- **The school can't retaliate against you.** It is illegal for a school to retaliate in any way because a person made a complaint, or testified, assisted, or participated in any manner in a complaint under Title IX.

WHAT HAPPENS AFTER I FILE A COMPLAINT?

The Office for Civil Rights will investigate and attempt to resolve the complaint, provided it involves some form of harassment or discrimination based on sex, race, color, national origin or disability. If OCR finds that discrimination has occurred, it will work with the school to develop a voluntary agreement to resolve the problem. Such agreements can involve adopting anti-bullying policies, training for staff and students, and specific actions to address the specific incidents that occurred and help the student(s) affected. Most cases are resolved voluntarily. In the rare event that it cannot obtain a voluntary agreement, OCR has the power to cut off federal funding for the school, or to refer the case to the Department of Justice for legal action.

In some situations where OCR dismisses a complaint, state or local laws or policies may offer greater protection. For example, if your state explicitly prohibits gender identity and sexual orientation discrimination in schools, you can file a complaint with your state's human or civil rights enforcement agency on that ground. The U.S. Department of Justice keeps a list of contact information for state human rights agencies.

CAN I FILE A LAWSUIT?

You may choose to file a discrimination claim in federal or state court, regardless of OCR's findings. You do not have to first go through the OCR process in order to file a lawsuit. However, filing a lawsuit first means you cannot use the OCR complaint process. This type of lawsuit is complex and you will probably need to hire a lawyer to help you.

GET HELP

We strongly encourage you to contact the national offices of GLSEN (Gay, Lesbian and Straight Education Network) at <http://www.glsen.org> or PFLAG at <http://www.pflag.org> with any questions regarding the OCR complaint process or for help with crafting a complaint.

If you are considering filing a lawsuit, we strongly encourage you to seek legal counsel. While NCTE does not provide legal services or referrals, there are many other groups that may give you referrals or maintain lists of local lawyers. Local legal aid or legal services organizations may provide free help for certain types of legal problems if your income is below a certain threshold. There are many larger groups – such as Lambda Legal, the National Center for Lesbian Rights, the ACLU, the Transgender Law Center, and others listed on NCTE's website – that may help if they feel that your case is particularly strong and fits within their priorities and strategy; however, they usually hear about many more cases than they can pursue. If they cannot help you directly these organizations may give you referrals or maintain lists of local lawyers with expertise in LGBT issues.

SHARE YOUR STORY

If you are facing discrimination, consider sharing your story with NCTE so we can use it in advocacy efforts to change policies and improve school environments for trans and gender nonconforming people. If you successfully resolve issues in your school, and especially if any of the material here helped, we want to hear from you as well.

Additional Resources

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

OCR "Dear Colleague" Letter to School Administrators: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

Claim Your Rights resources from PFLAG and GLSEN: <http://community.pflag.org/claimyourrights>

Model School District Policy on Transgender and Gender Nonconforming Students from NCTE and GLSEN: [http://transequality.org/Resources/Model District Trans and GNC Policy FINAL.pdf](http://transequality.org/Resources/Model%20District%20Trans%20and%20GNC%20Policy%20FINAL.pdf)

Gender Spectrum: <http://www.genderspectrum.org>

Trans Youth Family Allies: <http://www.imatyfa.org>

Links to State and Local Human Rights Agencies: <http://www.justice.gov/crt/legalinfo/stateandlocal.php>

Links to LGBT Legal Organizations: <http://transequality.org/Resources/links.html#legal>

Links to Legal Services Organizations: <http://www.lsc.gov/map/index.php>

Trends – Recent Case Law Regarding LGBTQ Students

By: **Bruce A. Harris, Esq.**

I. Equal Access Clubs

1) Equal Access Act --20 U.S.C. § 4071. Denial of equal access prohibited

It shall be **unlawful** for any **public secondary school** which receives Federal financial assistance and which has a limited open forum **to deny equal access** or a fair opportunity to, or **discriminate against**, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, **or other content of the speech at such meetings.**

A public secondary school has a **limited open forum** whenever such school grants an offering to or opportunity for one or more **noncurriculum related student groups** to **meet on school premises during noninstructional time.**

The meeting is **voluntary and student-initiated.**

There is **no sponsorship of the meeting by the school, the government, or its agents or employees.**

The **meeting does not materially and substantially interfere with the orderly conduct of educational activities** within the school.

Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

2) U.S. Department of Education

Elementary & Secondary Education
Key Policy Letters from the Education Secretary and Deputy Secretary
June 14, 2011

By Arne Duncan

Harassment and bullying are serious problems in our schools, and lesbian, gay, bisexual, and transgender (LGBT) students are the targets of disproportionate shares of these problems.

Gay-straight alliances (GSAs) and similar student-initiated groups addressing LGBT issues can play an important role in promoting safer schools and creating more welcoming learning environments. Nationwide, students are forming these groups in part to combat bullying and harassment of LGBT students and to promote understanding and respect in the school community.

These same barriers have sometimes been used to target religious and other student groups, leading Congress to pass the Equal Access Act.

In 1984, Congress passed and President Reagan signed into law the Equal Access Act, requiring public secondary schools to provide equal access for extracurricular clubs.

The general rule, approved by the U.S. Supreme Court, is that a public high school that allows at least one noncurricular student group to meet on school grounds during noninstructional time (e.g., lunch, recess, or before or after school) may not deny similar access to other noncurricular student groups, regardless of the religious, political, philosophical, or other subject matters that the groups address.

- 3) Palm Beach County School Board Policy 2.121 Student Activities in the Schools 4/21/1999

This policy is intended to implement the Federal Equal Access Act, 20 U.S.C. §§ 4071, et. seq., and the First Amendment of the U.S. Constitution. If one non-curriculum club has access to the specific methods of communication within the policy (meeting space, listing in school handbooks, school newspapers, the yearbooks, and bulletin boards), then the same access must be offered to other non-curriculum clubs.

- 4) *Straights and Gays for Equality (SAGE) v. Osseo Area Schools–District No. 279*, 540 F.3d 911 (8th Circuit 2008)

Equal Access – Gay group had same equal access including for communication, meeting times and places. SAGE was not a curriculum club.

- 5) *Straights and Gays for Equality (SAGE) v. Osseo Area Schools–District No. 279*, 471 F.3d 908 (8th Circuit 2006)

Equal Access – GLBT group would have the same avenues of communication as other noncurriculum groups. The preliminary injunction was upheld. Curriculum vs. non-curriculum groups were distinguished.

- 6) *Boyd County High School Gay Straight Alliance v. Board of Education of Boyd County*, 258 F.Supp.2d 667 (E.D. Kentucky 2003)

Equal Access Act (EAA) – School board tried to claim this group was a curriculum group due to the school having a course in human sexuality but the court disagreed. Once one noncurriculum group is open, all have the same rights. The group was intended to promote tolerance, The

disruption by the community following the school's recognition of the group was caused by opponents not supporters of the group. The school board then banned all clubs but several still met. No material or substantial interference was caused by the group. Gay rights group was granted a preliminary injunction as substantial likelihood the group would prevail that the school violated the rights of the students under the EAA.

- 7) *Krestan v. Deer Valley Unified School District No. 97, of Maricopa*, 561 F.Supp.2d 1078, 1085 (D. Ariz. 2008)

Although the text of the statute refers to meetings, courts have made clear that the Act extends to all opportunities afforded non-curriculum student clubs.

- 8) *Board of Education of the Westside Cmty. School v. Mergens*, 496 U.S. 226, 247, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990)

The U.S. Supreme Court explained that by placing religious student clubs on equal footing with similar non-religious student organizations the Act "allows student clubs to be part of the student activities program and carries with it access to the school newspaper, bulletin boards, the public address system, and the annual Club Fair."

- 9) *Caudillo v. Lubbock Independent School District*, 311 F.Supp.2d 550 (N.D. Texas 2004)

First Amendment – Here the court upheld the school's denial of a gay straight association's recognition as a group and access to post signs and communicate. The group had a website with a link to a website which was sexually explicit and taught safe sex. The court found that under the Equal Access Act the school could avoid disruption, maintain order and discipline, and protect the well being of the students. An educational mission of the school was abstinence only.

- 10) *Gay-Straight Alliance of Okeechobee High School v. School Board of Okeechobee County*, 483 F.Supp.2d 1224 (S.D. Florida 2007)

Preliminary injunction was granted in favor of the group. The school board had denied access and one of its grounds was that this was a sex based club relying on the *Caudillo case*. The group denied being a sex based club and contended its purpose was to promote tolerance and equality. The court found that the club's purpose did not conflict with Florida's abstinence only policy and ordered that the school district officially recognize the club and grant it the rights of other clubs.

- 11) *Gonzalez v. School Board of Okeechobee County*, 571 F.Supp.2d 1257 (S.D. Florida 2008)

Equal Access Act –The court ordered the school district recognize the Gay Straight Alliance as a student club and was obligated to provide equal access. The group's tolerance message would not substantially interfere with discipline in the school's operation.

II. Anti-Discrimination Policies

1) Palm Beach County School Board Policy 5.001 Protecting Students from Harassment and Discrimination

General Provisions.-- The School Board of Palm Beach County, Florida, as governing body of the School District ("School District" or "District"), does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, gender expression and/or gender identity, race, color, religion, national origin, age, disability, marital status, ancestry, ethnicity, gender, linguistic preference, political beliefs, sexual orientation, or social/family background in its education programs or admissions to education programs and therefore prohibits such discrimination against, or harassment of, any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

2) School Board Policy 5.81 Protecting Students from Sexual Harassment and Discrimination

General Provisions.-- The School Board of Palm Beach County, as governing body for the District of Palm Beach County, Florida ("School District" or "District"), does not discriminate on the basis of sex or gender expression and/or identification in education programs and prohibits sexual harassment of, or sex/gender-based discrimination against, any student or applicant for admission by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the School District.

3) School Board Policy 5.60 Eligibility for Participation in K-12 Extracurricular Activities

Equitable Participation

No extracurricular activity shall be provided or conducted separately on the basis of any actual or perceived characteristics listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular activity be required or refused on those bases.

- a. Principals shall select faculty advisors, directors, coaches, sponsors, and staff who are diverse in racial, ethnic, and gender composition.
- b. Students shall not be excluded from, nor denied positions of leadership in any extracurricular activity due to race, color, religion, sex, ethnicity, national origin, age, sexual orientation, gender identity or expression, genetic information, marital status, parental status, disability, limited English proficiency, or any other characteristic protected by law.

4) U.S. Dept. of Education

Dear Colleague Letter
Office of the Assistant Secretary
October 26, 2010

By Russlynn Ali
Assistant Secretary for Civil Rights

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that **some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department's Office for Civil Rights (OCR)**. As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment. ...

As noted in the example, the school failed to recognize the pattern of misconduct as a form of sex discrimination under Title IX. **Title IX prohibits harassment of both male and female students regardless of the sex of the harasser—i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment**, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. ...

Although Title IX does not prohibit discrimination based solely on sexual orientation, **Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination**. When students are subjected to harassment on the basis of their LGBT status, they may also, as this example illustrates, be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment. In this example, the harassing conduct was based in part on the student's failure to act as some of his peers believed a boy should act. The harassment created a hostile environment that limited the student's ability to participate in the school's education program (e.g., access to the drama club). Finally, even though the student did not identify the harassment as sex discrimination, the school should have recognized that the student had been subjected to gender-based harassment covered by Title IX.

In this example, the school had an obligation to take immediate and effective action to eliminate the hostile environment....

III. Filtering of Websites

- 1) *Parents, Families, and Friends of Lesbians and Gays, Inc. v. Camdenton R-III School District*, 853 F.Supp.2d 888 (W.D. Missouri 2012)

The issue of this case involved Internet filtering by a school district. The court granted a preliminary injunction in favor of the website publishers who provided supportive resources for LGBT youth and a student. The court found that there was discrimination against those websites as the sexuality filter had blocked these sites. There was viewpoint discrimination.

- 2) Palm Beach County School Board Policy 8.125 District Review and Filtering of Web Sites

The blocking of gay/lesbian websites was reported in the newspaper. The ACLU contacted the District, which unblocked the sites and created this policy.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

Questions and Answers on Title IX and Sexual Violence¹

Title IX of the Education Amendments of 1972 ("Title IX")² is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal financial assistance (hereinafter "schools", "recipients", or "recipient institutions") must comply with Title IX.³

On April 4, 2011, the Office for Civil Rights (OCR) in the U.S. Department of Education issued a Dear Colleague Letter on student-on-student sexual harassment and sexual violence ("DCL").⁴ The DCL explains a school's responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX.⁵ Specifically, the DCL:

- Provides guidance on the unique concerns that arise in sexual violence cases, such as a school's independent responsibility under Title IX to investigate (apart from any separate criminal investigation by local police) and address sexual violence.

¹ The Department has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. The Office for Civil Rights (OCR) issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. OCR's legal authority is based on those laws and regulations. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

² 20 U.S.C. § 1681 *et seq.*

³ Throughout this document the term "schools" refers to recipients of federal financial assistance that operate educational programs or activities. For Title IX purposes, at the elementary and secondary school level, the recipient generally is the school district; and at the postsecondary level, the recipient is the individual institution of higher education. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that the law's requirements conflict with the organization's religious tenets. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a). For application of this provision to a specific institution, please contact the appropriate OCR regional office.

⁴ Available at <http://www.ed.gov/ocr/letters/colleague-201104.html>.

⁵ Although this document and the DCL focus on sexual violence, the legal principles generally also apply to other forms of sexual harassment.

- Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX coordinator, and adopt and publish grievance procedures.
- Discusses proactive efforts schools can take to prevent sexual violence.
- Discusses the interplay between Title IX, the Family Educational Rights and Privacy Act (“FERPA”),⁶ and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”)⁷ as it relates to a complainant’s right to know the outcome of his or her complaint, including relevant sanctions imposed on the perpetrator.
- Provides examples of remedies and enforcement strategies that schools and OCR may use to respond to sexual violence.

The DCL supplements OCR’s *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, issued in 2001 (*2001 Guidance*).⁸ The *2001 Guidance* discusses in detail the Title IX requirements related to sexual harassment of students by school employees, other students, or third parties. The DCL and the *2001 Guidance* remain in full force and we recommend reading these Questions and Answers in conjunction with these documents.

In responding to requests for technical assistance, OCR has determined that elementary and secondary schools and postsecondary institutions would benefit from additional guidance concerning their obligations under Title IX to address sexual violence as a form of sexual harassment. The following questions and answers further clarify the legal requirements and guidance articulated in the DCL and the *2001 Guidance* and include examples of proactive efforts schools can take to prevent sexual violence and remedies schools may use to end such conduct, prevent its recurrence, and address its effects. In order to gain a complete understanding of these legal requirements and recommendations, this document should be read in full.

Authorized by

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

April 29, 2014

⁶ 20 U.S.C. §1232g; 34 C.F.R. Part 99.

⁷ 20 U.S.C. §1092(f).

⁸ Available at <http://www.ed.gov/ocr/docs/shguide.html>.

Notice of Language Assistance Questions and Answers on Title IX and Sexual Violence

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

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TABLE OF CONTENTS

Notice of Language Assistanceiii

A. A School’s Obligation to Respond to Sexual Violence..... 1

 A-1. What is sexual violence?..... 1

 A-2. How does Title IX apply to student-on-student sexual violence? 1

 A-3. How does OCR determine if a hostile environment has been created? 1

 A-4. When does OCR consider a school to have notice of student-on-student sexual violence? 2

 A-5. What are a school’s basic responsibilities to address student-on-student sexual violence? 2

 A-6. Does Title IX cover employee-on-student sexual violence, such as sexual abuse of children? 3

B. Students Protected by Title IX..... 5

 B-1. Does Title IX protect all students from sexual violence?..... 5

 B-2. How should a school handle sexual violence complaints in which the complainant and the alleged perpetrator are members of the same sex? 5

 B-3. What issues may arise with respect to students with disabilities who experience sexual violence? 6

 B-4. What issues arise with respect to international students and undocumented students who experience sexual violence? 7

 B-5. How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school? 9

C. Title IX Procedural Requirements 9

 C-1. What procedures must a school have in place to prevent sexual violence and resolve complaints? 9

 C-2. What information must be included in a school’s notice of nondiscrimination? 10

 C-3. What are a Title IX coordinator’s responsibilities? 10

 C-4. Are there any employees who should not serve as the Title IX coordinator? 11

 C-5. Under Title IX, what elements should be included in a school’s procedures for responding to complaints of sexual violence?..... 12

 C-6. Is a school required to use separate grievance procedures for sexual violence complaints? 14

- D. Responsible Employees and Reporting14**
 - D-1. Which school employees are obligated to report incidents of possible sexual violence to school officials? 14
 - D-2. Who is a “responsible employee”?..... 15
 - D-3. What information is a responsible employee obligated to report about an incident of possible student-on-student sexual violence? 16
 - D-4. What should a responsible employee tell a student who discloses an incident of sexual violence? 16
 - D-5. If a student informs a resident assistant/advisor (RA) that he or she was subjected to sexual violence by a fellow student, is the RA obligated under Title IX to report the incident to school officials? 17
- E. Confidentiality and a School’s Obligation to Respond to Sexual Violence18**
 - E-1. How should a school respond to a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence? 18
 - E-2. What factors should a school consider in weighing a student’s request for confidentiality? 21
 - E-3. What are the reporting responsibilities of school employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to students who have experienced sexual violence? 22
 - E-4. Is a school required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”? 24
- F. Investigations and Hearings24**
 - F-1. What elements should a school’s Title IX investigation include?..... 24
 - F-2. What are the key differences between a school’s Title IX investigation into allegations of sexual violence and a criminal investigation?..... 27
 - F-3. How should a school proceed when campus or local law enforcement agencies are conducting a criminal investigation while the school is conducting a parallel Title IX investigation?..... 28
 - F-4. Is a school required to process complaints of alleged sexual violence that occurred off campus?..... 29
 - F-5. Must a school allow or require the parties to be present during an entire hearing? 30

F-6. May every witness at the hearing, including the parties, be cross-examined? 31

F-7. May the complainant’s sexual history be introduced at hearings? 31

F-8. What stages of the investigation are included in the 60-day timeframe referenced in the DCL as the length for a typical investigation? 31

G. Interim Measures 32

G-1. Is a school required to take any interim measures before the completion of its investigation?..... 32

G-2. How should a school determine what interim measures to take? 33

G-3. If a school provides all students with access to counseling on a fee basis, does that suffice for providing counseling as an interim measure?..... 33

H. Remedies and Notice of Outcome 34

H-1. What remedies should a school consider in a case of student-on-student sexual violence? 34

H-2. If, after an investigation, a school finds the alleged perpetrator responsible and determines that, as part of the remedies for the complainant, it must separate the complainant and perpetrator, how should the school accomplish this if both students share the same major and there are limited course options? 36

H-3. What information must be provided to the complainant in the notice of the outcome? 36

I. Appeals 37

I-1. What are the requirements for an appeals process? 37

I-2. Must an appeal be available to a complainant who receives a favorable finding but does not believe a sanction that directly relates to him or her was sufficient? 38

J. Title IX Training, Education and Prevention 38

J-1. What type of training on Title IX and sexual violence should a school provide to its employees? 38

J-2. How should a school train responsible employees to report incidents of possible sexual harassment or sexual violence? 39

J-3. What type of training should a school provide to employees who are involved in implementing the school’s grievance procedures? 40

J-4. What type of training on sexual violence should a school provide to its students? 41

K. Retaliation	42
K-1. Does Title IX protect against retaliation?	42
L. First Amendment	43
L-1. How should a school handle its obligation to respond to sexual harassment and sexual violence while still respecting free-speech rights guaranteed by the Constitution?.....	43
M. The Clery Act and the Violence Against Women Reauthorization Act of 2013	44
M-1. How does the Clery Act affect the Title IX obligations of institutions of higher education that participate in the federal student financial aid programs?	44
M-2. Were a school’s obligations under Title IX and the DCL altered in any way by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, including Section 304 of that Act, which amends the Clery Act?.....	44
N. Further Federal Guidance	45
N-1. Whom should I contact if I have additional questions about the DCL or OCR’s other Title IX guidance?	45
N-2. Are there other resources available to assist a school in complying with Title IX and preventing and responding to sexual violence?	45

A. A School's Obligation to Respond to Sexual Violence

A-1. What is sexual violence?

Answer: Sexual violence, as that term is used in this document and prior OCR guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

A-2. How does Title IX apply to student-on-student sexual violence?

Answer: Under Title IX, federally funded schools must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school's educational programs or activities on the basis of sex. A school violates a student's rights under Title IX regarding student-on-student sexual violence when the following conditions are met: (1) the alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, *i.e.* creates a hostile environment; and (2) the school, upon notice, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.⁹

A-3. How does OCR determine if a hostile environment has been created?

Answer: As discussed more fully in OCR's *2001 Guidance*, OCR considers a variety of related factors to determine if a hostile environment has been created; and also considers the conduct in question from both a subjective and an objective perspective. Specifically, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

⁹ This is the standard for administrative enforcement of Title IX and in court cases where plaintiffs are seeking injunctive relief. *See 2001 Guidance* at ii-v, 12-13. The standard in private lawsuits for monetary damages is actual knowledge and deliberate indifference. *See Davis v. Monroe Cnty Bd. of Educ.*, 526 U.S. 629, 643 (1999).

A-4. When does OCR consider a school to have notice of student-on-student sexual violence?

Answer: OCR deems a school to have notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence. See question D-2 regarding who is a responsible employee.

A school can receive notice of sexual violence in many different ways. Some examples of notice include: a student may have filed a grievance with or otherwise informed the school's Title IX coordinator; a student, parent, friend, or other individual may have reported an incident to a teacher, principal, campus law enforcement, staff in the office of student affairs, or other responsible employee; or a teacher or dean may have witnessed the sexual violence.

The school may also receive notice about sexual violence in an indirect manner, from sources such as a member of the local community, social networking sites, or the media. In some situations, if the school knows of incidents of sexual violence, the exercise of reasonable care should trigger an investigation that would lead to the discovery of additional incidents. For example, if school officials receive a credible report that a student has perpetrated several acts of sexual violence against different students, that pattern of conduct should trigger an inquiry as to whether other students have been subjected to sexual violence by that student. In other cases, the pervasiveness of the sexual violence may be widespread, openly practiced, or well-known among students or employees. In those cases, OCR may conclude that the school should have known of the hostile environment. In other words, if the school would have found out about the sexual violence had it made a proper inquiry, knowledge of the sexual violence will be imputed to the school even if the school failed to make an inquiry. A school's failure to take prompt and effective corrective action in such cases (as described in questions G-1 to G-3 and H-1 to H-3) would violate Title IX even if the student did not use the school's grievance procedures or otherwise inform the school of the sexual violence.

A-5. What are a school's basic responsibilities to address student-on-student sexual violence?

Answer: When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E). If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its

effects. But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

Title IX requires a school to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation.¹⁰ The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The school should also ensure that the complainant is aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. For additional information on interim measures, see questions G-1 to G-3.

If a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to a hostile environment. If it does, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately. For example, if a school's ignoring of a student's complaints of sexual assault by a fellow student results in the complaining student having to remain in classes with the other student for several weeks and the complaining student's grades suffer because he or she was unable to concentrate in these classes, the school may need to permit the complaining student to retake the classes without an academic or financial penalty (in addition to any other remedies) in order to address the effects of the sexual violence.

A-6. Does Title IX cover employee-on-student sexual violence, such as sexual abuse of children?

Answer: Yes. Although this document and the DCL focus on student-on-student sexual violence, Title IX also protects students from other forms of sexual harassment (including sexual violence and sexual abuse), such as sexual harassment carried out by school employees. Sexual harassment by school employees can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity. Title IX's prohibition against

¹⁰ Throughout this document, unless otherwise noted, the term "complainant" refers to the student who allegedly experienced the sexual violence.

sexual harassment generally does not extend to legitimate nonsexual touching or other nonsexual conduct. But in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment. Early signs of inappropriate behavior with a child can be the key to identifying and preventing sexual abuse by school personnel.

A school's Title IX obligations regarding sexual harassment by employees can, in some instances, be greater than those described in this document and the DCL. Recipients should refer to OCR's *2001 Guidance* for further information about Title IX obligations regarding harassment of students by school employees. In addition, many state and local laws have mandatory reporting requirements for schools working with minors. Recipients should be careful to satisfy their state and local legal obligations in addition to their Title IX obligations, including training to ensure that school employees are aware of their obligations under such state and local laws and the consequences for failing to satisfy those obligations.

With respect to sexual activity in particular, OCR will always view as unwelcome and nonconsensual sexual activity between an adult school employee and an elementary school student or any student below the legal age of consent in his or her state. In cases involving a student who meets the legal age of consent in his or her state, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual. When a school is on notice that a school employee has sexually harassed a student, it is responsible for taking prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Indeed, even if a school was not on notice, the school is nonetheless responsible for remedying any effects of the sexual harassment on the student, as well as for ending the sexual harassment and preventing its recurrence, when the employee engaged in the sexual activity in the context of the employee's provision of aid, benefits, or services to students (*e.g.*, teaching, counseling, supervising, advising, or transporting students).

A school should take steps to protect its students from sexual abuse by its employees. It is therefore imperative for a school to develop policies prohibiting inappropriate conduct by school personnel and procedures for identifying and responding to such conduct. For example, this could include implementing codes of conduct, which might address what is commonly known as grooming – a desensitization strategy common in adult educator sexual misconduct. Such policies and procedures can ensure that students, parents, and

school personnel have clear guidelines on what are appropriate and inappropriate interactions between adults and students in a school setting or in school-sponsored activities. Additionally, a school should provide training for administrators, teachers, staff, parents, and age-appropriate classroom information for students to ensure that everyone understands what types of conduct are prohibited and knows how to respond when problems arise.¹¹

B. Students Protected by Title IX

B-1. Does Title IX protect all students from sexual violence?

Answer: Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

B-2. How should a school handle sexual violence complaints in which the complainant and the alleged perpetrator are members of the same sex?

Answer: A school's obligation to respond appropriately to sexual violence complaints is the same irrespective of the sex or sexes of the parties involved. Title IX protects all students from sexual violence, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. A school must investigate and resolve allegations of sexual violence involving parties of the same sex using the same procedures and standards that it uses in all complaints involving sexual violence.

Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a school's obligations. Indeed, lesbian, gay, bisexual, and transgender (LGBT) youth report high rates of sexual harassment and sexual violence. A school should investigate and resolve allegations of sexual violence regarding LGBT students using the same procedures and standards that it

¹¹ For additional informational on training please see the Department of Education's Resource and Emergency Management for Schools Technical Assistance Center – Adult Sexual Misconduct in Schools: Prevention and Management Training, available at http://rems.ed.gov/Docs/ASM_Marketing_Flyer.pdf.

uses in all complaints involving sexual violence. The fact that incidents of sexual violence may be accompanied by anti-gay comments or be partly based on a student's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy those instances of sexual violence.

If a school's policies related to sexual violence include examples of particular types of conduct that violate the school's prohibition on sexual violence, the school should consider including examples of same-sex conduct. In addition, a school should ensure that staff are capable of providing culturally competent counseling to all complainants. Thus, a school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with LGBT and gender-nonconforming students and same-sex sexual violence. See questions J-1 to J-4 for additional information regarding training.

Gay-straight alliances and similar student-initiated groups can also play an important role in creating safer school environments for LGBT students. On June 14, 2011, the Department issued guidance about the rights of student-initiated groups in public secondary schools under the Equal Access Act. That guidance is available at <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>.

B-3. What issues may arise with respect to students with disabilities who experience sexual violence?

Answer: When students with disabilities experience sexual violence, federal civil rights laws other than Title IX may also be relevant to a school's responsibility to investigate and address such incidents.¹² Certain students require additional assistance and support. For example, students with intellectual disabilities may need additional help in learning about sexual violence, including a school's sexual violence education and prevention programs, what constitutes sexual violence and how students can report incidents of sexual

¹² OCR enforces two civil rights laws that prohibit disability discrimination. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by public or private entities that receive federal financial assistance, and Title II of the American with Disabilities Act of 1990 (Title II) prohibits disability discrimination by all state and local public entities, regardless of whether they receive federal funding. See 29 U.S.C. § 794 and 34 C.F.R. part 104; 42 U.S.C. § 12131 *et seq.* and 28 C.F.R. part 35. OCR and the U.S. Department of Justice (DOJ) share the responsibility of enforcing Title II in the educational context. The Department of Education's Office of Special Education Programs in the Office of Special Education and Rehabilitative Services administers Part B of the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. 1400 *et seq.* and 34 C.F.R. part 300. IDEA provides financial assistance to states, and through them to local educational agencies, to assist in providing special education and related services to eligible children with disabilities ages three through twenty-one, inclusive.

violence. In addition, students with disabilities who experience sexual violence may require additional services and supports, including psychological services and counseling services. Postsecondary students who need these additional services and supports can seek assistance from the institution's disability resource office.

A student who has not been previously determined to have a disability may, as a result of experiencing sexual violence, develop a mental health-related disability that could cause the student to need special education and related services. At the elementary and secondary education level, this may trigger a school's child find obligations under IDEA and the evaluation and placement requirements under Section 504, which together require a school to evaluate a student suspected of having a disability to determine if he or she has a disability that requires special education or related aids and services.¹³

A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training. See question J-4 for more detailed information on student training.

B-4. What issues arise with respect to international students and undocumented students who experience sexual violence?

Answer: Title IX protects all students at recipient institutions in the United States regardless of national origin, immigration status, or citizenship status.¹⁴ A school should ensure that all students regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner accessible to students who are English language learners. OCR recommends that a school coordinate with its international office and its undocumented student program coordinator, if applicable, to help communicate information about Title IX in languages that are accessible to these groups of students. OCR also encourages schools to provide foreign national complainants with information about the U nonimmigrant status and the T nonimmigrant status. The U nonimmigrant status is set

¹³ See 34 C.F.R. §§ 300.8; 300.111; 300.201; 300.300-300.311 (IDEA); 34 C.F.R. §§ 104.3(j) and 104.35 (Section 504). Schools must comply with applicable consent requirements with respect to evaluations. See 34 C.F.R. § 300.300.

¹⁴ OCR enforces Title VI of the Civil Rights Act of 1964, which prohibits discrimination by recipients of federal financial assistance on the basis of race, color, or national origin. 42 U.S.C. § 2000d.

aside for victims of certain crimes who have suffered substantial mental or physical abuse as a result of the crime and are helpful to law enforcement agency in the investigation or prosecution of the qualifying criminal activity.¹⁵ The T nonimmigrant status is available for victims of severe forms of human trafficking who generally comply with a law enforcement agency in the investigation or prosecution of the human trafficking and who would suffer extreme hardship involving unusual and severe harm if they were removed from the United States.¹⁶

A school should be mindful that unique issues may arise when a foreign student on a student visa experiences sexual violence. For example, certain student visas require the student to maintain a full-time course load (generally at least 12 academic credit hours per term), but a student may need to take a reduced course load while recovering from the immediate effects of the sexual violence. OCR recommends that a school take steps to ensure that international students on student visas understand that they must typically seek prior approval of the designated school official (DSO) for student visas to drop below a full-time course load. A school may also want to encourage its employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence to approach the DSO on the student's behalf if the student wishes to drop below a full-time course load. OCR recommends that a school take steps to ensure that its employees who work with international students, including the school's DSO, are trained on the school's sexual violence policies and that employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence are aware of the special issues that international students may encounter. See questions J-1 to J-4 for additional information regarding training.

A school should also be aware that threatening students with deportation or invoking a student's immigration status in an attempt to intimidate or deter a student from filing a Title IX complaint would violate Title IX's protections against retaliation. For more information on retaliation see question K-1.

¹⁵ For more information on the U nonimmigrant status, see <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/questions-answers-victims-criminal-activity-u-nonimmigrant-status>.

¹⁶ For more information on the T nonimmigrant status, see <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

B-5. How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school?

Answer: The appropriate response will differ depending on the level of control the school has over the alleged perpetrator. For example, if an athlete or band member from a visiting school sexually assaults a student at the home school, the home school may not be able to discipline or take other direct action against the visiting athlete or band member. However (and subject to the confidentiality provisions discussed in Section E), it should conduct an inquiry into what occurred and should report the incident to the visiting school and encourage the visiting school to take appropriate action to prevent further sexual violence. The home school should also notify the student of any right to file a complaint with the alleged perpetrator's school or local law enforcement. The home school may also decide not to invite the visiting school back to its campus.

Even though a school's ability to take direct action against a particular perpetrator may be limited, the school must still take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population. This may include providing support services for the complainant, and issuing new policy statements making it clear that the school does not tolerate sexual violence and will respond to any reports about such incidents. For additional information on interim measures see questions G-1 to G-3.

C. Title IX Procedural Requirements

Overview

C-1. What procedures must a school have in place to prevent sexual violence and resolve complaints?

Answer: The Title IX regulations outline three key procedural requirements. Each school must:

- (1) disseminate a notice of nondiscrimination (see question C-2);¹⁷
- (2) designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX (see questions C-3 to C-4);¹⁸ and

¹⁷ 34 C.F.R. § 106.9.

¹⁸ *Id.* § 106.8(a).

(3) adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints (see questions C-5 to C-6).¹⁹

These requirements apply to all forms of sex discrimination and are particularly important for preventing and effectively responding to sexual violence.

Procedural requirements under other federal laws may also apply to complaints of sexual violence, including the requirements of the Clery Act.²⁰ For additional information about the procedural requirements in the Clery Act, please see <http://www2.ed.gov/admins/lead/safety/campus.html>.

Notice of Nondiscrimination

C-2. What information must be included in a school's notice of nondiscrimination?

Answer: The notice of nondiscrimination must state that the school does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner. The notice must state that questions regarding Title IX may be referred to the school's Title IX coordinator or to OCR. The school must notify all of its students and employees of the name or title, office address, telephone number, and email address of the school's designated Title IX coordinator.²¹

Title IX Coordinator

C-3. What are a Title IX coordinator's responsibilities?

Answer: A Title IX coordinator's core responsibilities include overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This means that the Title IX coordinator must have knowledge of the requirements of Title IX, of the school's own policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the school. To accomplish this, subject to the exemption for school counseling employees discussed in question E-3, the Title IX coordinator must be informed of all

¹⁹ *Id.* § 106.8(b).

²⁰ All postsecondary institutions participating in the Higher Education Act's Title IV student financial assistance programs must comply with the Clery Act.

²¹ For more information on notices of nondiscrimination, please see OCR's Notice of Nondiscrimination (August 2010), available at <http://www.ed.gov/ocr/docs/nondisc.pdf>.

reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The school should ensure that the Title IX coordinator is given the training, authority, and visibility necessary to fulfill these responsibilities.

Because the Title IX coordinator must have knowledge of all Title IX reports and complaints at the school, this individual (when properly trained) is generally in the best position to evaluate a student's request for confidentiality in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students. A school may determine, however, that another individual should perform this role. For additional information on confidentiality requests, see questions E-1 to E-4. If a school relies in part on its disciplinary procedures to meet its Title IX obligations, the Title IX coordinator should review the disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX as discussed in question C-5.

In addition to these core responsibilities, a school may decide to give its Title IX coordinator additional responsibilities, such as: providing training to students, faculty, and staff on Title IX issues; conducting Title IX investigations, including investigating facts relevant to a complaint, and determining appropriate sanctions against the perpetrator and remedies for the complainant; determining appropriate interim measures for a complainant upon learning of a report or complaint of sexual violence; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers. A school must ensure that its Title IX coordinator is appropriately trained in all areas over which he or she has responsibility. The Title IX coordinator or designee should also be available to meet with students as needed.

If a school designates more than one Title IX coordinator, the school's notice of nondiscrimination and Title IX grievance procedures should describe each coordinator's responsibilities, and one coordinator should be designated as having ultimate oversight responsibility.

C-4. Are there any employees who should not serve as the Title IX coordinator?

Answer: Title IX does not categorically preclude particular employees from serving as Title IX coordinators. However, Title IX coordinators should not have other job responsibilities that may create a conflict of interest. Because some complaints may raise issues as to whether or how well the school has met its Title IX obligations, designating

the same employee to serve both as the Title IX coordinator and the general counsel (which could include representing the school in legal claims alleging Title IX violations) poses a serious risk of a conflict of interest. Other employees whose job responsibilities may conflict with a Title IX coordinator's responsibilities include Directors of Athletics, Deans of Students, and any employee who serves on the judicial/hearing board or to whom an appeal might be made. Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest.

Grievance Procedures

C-5. Under Title IX, what elements should be included in a school's procedures for responding to complaints of sexual violence?

Answer: Title IX requires that a school adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints of sex discrimination, including sexual violence. In evaluating whether a school's grievance procedures satisfy this requirement, OCR will review all aspects of a school's policies and practices, including the following elements that are critical to achieve compliance with Title IX:

- (1) notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
- (2) application of the grievance procedures to complaints filed by students or on their behalf alleging sexual violence carried out by employees, other students, or third parties;
- (3) provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- (4) designated and reasonably prompt time frames for the major stages of the complaint process (see question F-8);
- (5) written notice to the complainant and alleged perpetrator of the outcome of the complaint (see question H-3); and
- (6) assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate.

To ensure that students and employees have a clear understanding of what constitutes sexual violence, the potential consequences for such conduct, and how the school processes complaints, a school's Title IX grievance procedures should also explicitly include the following in writing, some of which themselves are mandatory obligations under Title IX:

- (1) a statement of the school's jurisdiction over Title IX complaints;
- (2) adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
- (3) reporting policies and protocols, including provisions for confidential reporting;
- (4) identification of the employee or employees responsible for evaluating requests for confidentiality;
- (5) notice that Title IX prohibits retaliation;
- (6) notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
- (7) notice of available interim measures that may be taken to protect the student in the educational setting;
- (8) the evidentiary standard that must be used (preponderance of the evidence) (*i.e.*, more likely than not that sexual violence occurred) in resolving a complaint;
- (9) notice of potential remedies for students;
- (10) notice of potential sanctions against perpetrators; and
- (11) sources of counseling, advocacy, and support.

For more information on interim measures, see questions G-1 to G-3.

The rights established under Title IX must be interpreted consistently with any federally guaranteed due process rights. Procedures that ensure the Title IX rights of the complainant, while at the same time according any federally guaranteed due process to both parties involved, will lead to sound and supportable decisions. Of course, a school should ensure that steps to accord any due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.

A school's procedures and practices will vary in detail, specificity, and components, reflecting differences in the age of its students, school size and administrative structure, state or local legal requirements (*e.g.*, mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

C-6. Is a school required to use separate grievance procedures for sexual violence complaints?

Answer: No. Under Title IX, a school may use student disciplinary procedures, general Title IX grievance procedures, sexual harassment procedures, or separate procedures to resolve sexual violence complaints. However, any procedures used for sexual violence complaints, including disciplinary procedures, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution (as discussed in question C-5), including applying the preponderance of the evidence standard of review. As discussed in question C-3, the Title IX coordinator should review any process used to resolve complaints of sexual violence to ensure it complies with requirements for prompt and equitable resolution of these complaints. When using disciplinary procedures, which are often focused on the alleged perpetrator and can take considerable time, a school should be mindful of its obligation to provide interim measures to protect the complainant in the educational setting. For more information on timeframes and interim measures, see questions F-8 and G-1 to G-3.

D. Responsible Employees and Reporting²²

D-1. Which school employees are obligated to report incidents of possible sexual violence to school officials?

Answer: Under Title IX, whether an individual is obligated to report incidents of alleged sexual violence generally depends on whether the individual is a responsible employee of the school. A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee, subject to the exemption for school counseling employees discussed in question E-3. This is because, as discussed in question A-4, a school is obligated to address sexual violence about which a responsible employee knew or should have known. As explained in question C-3, the Title IX coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or

²² This document addresses only Title IX's reporting requirements. It does not address requirements under the Clery Act or other federal, state, or local laws, or an individual school's code of conduct.

complaint was initially filed with another individual or office, subject to the exemption for school counseling employees discussed in question E-3.

D-2. Who is a “responsible employee”?

Answer: According to OCR’s *2001 Guidance*, a responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.²³

A school must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees. A school must also inform all employees of their own reporting responsibilities and the importance of informing complainants of: the reporting obligations of responsible employees; complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support services; and complainants’ right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

Whether an employee is a responsible employee will vary depending on factors such as the age and education level of the student, the type of position held by the employee, and consideration of both formal and informal school practices and procedures. For example, while it may be reasonable for an elementary school student to believe that a custodial staff member or cafeteria worker has the authority or responsibility to address student misconduct, it is less reasonable for a college student to believe that a custodial staff member or dining hall employee has this same authority.

As noted in response to question A-4, when a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E), and, if the school determines that sexual violence created a hostile environment, the school must then take appropriate steps to address the situation. The

²³ The Supreme Court held that a school will only be liable for money damages in a private lawsuit where there is actual notice to a school official with the authority to address the alleged discrimination and take corrective action. *Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274, 290 (1998), and *Davis*, 524 U.S. at 642. The concept of a “responsible employee” under OCR’s guidance for administrative enforcement of Title IX is broader.

school has this obligation regardless of whether the student, student's parent, or a third party files a formal complaint. For additional information on a school's responsibilities to address student-on-student sexual violence, see question A-5. For additional information on training for school employees, see questions J-1 to J-3.

D-3. What information is a responsible employee obligated to report about an incident of possible student-on-student sexual violence?

Answer: Subject to the exemption for school counseling employees discussed in question E-3, a responsible employee must report to the school's Title IX coordinator, or other appropriate school designee, all relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location. A school must make clear to its responsible employees to whom they should report an incident of alleged sexual violence.

To ensure compliance with these reporting obligations, it is important for a school to train its responsible employees on Title IX and the school's sexual violence policies and procedures. For more information on appropriate training for school employees, see question J-1 to J-3.

D-4. What should a responsible employee tell a student who discloses an incident of sexual violence?

Answer: Before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands: (i) the employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate school officials, (ii) the student's option to request that the school maintain his or her confidentiality, which the school (*e.g.*, Title IX coordinator) will consider, and (iii) the student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (*e.g.*, sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers). As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request

and should evaluate the request in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students.

D-5. If a student informs a resident assistant/advisor (RA) that he or she was subjected to sexual violence by a fellow student, is the RA obligated under Title IX to report the incident to school officials?

Answer: As discussed in questions D-1 and D-2, for Title IX purposes, whether an individual is obligated under Title IX to report alleged sexual violence to the school's Title IX coordinator or other appropriate school designee generally depends on whether the individual is a responsible employee.

The duties and responsibilities of RAs vary among schools, and, therefore, a school should consider its own policies and procedures to determine whether its RAs are responsible employees who must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee.²⁴ When making this determination, a school should consider if its RAs have the general authority to take action to redress misconduct or the duty to report misconduct to appropriate school officials, as well as whether students could reasonably believe that RAs have this authority or duty. A school should also consider whether it has determined and clearly informed students that RAs are generally available for confidential discussions and do not have the authority or responsibility to take action to redress any misconduct or to report any misconduct to the Title IX coordinator or other appropriate school officials. A school should pay particular attention to its RAs' obligations to report other student violations of school policy (*e.g.*, drug and alcohol violations or physical assault). If an RA is required to report other misconduct that violates school policy, then the RA would be considered a responsible employee obligated to report incidents of sexual violence that violate school policy.

If an RA is a responsible employee, the RA should make every effort to ensure that *before* the student reveals information that he or she may wish to keep confidential, the student understands the RA's reporting obligation and the student's option to request that the school maintain confidentiality. It is therefore important that schools widely disseminate policies and provide regular training clearly identifying the places where students can seek confidential support services so that students are aware of this information. The RA

²⁴ Postsecondary institutions should be aware that, regardless of whether an RA is a responsible employee under Title IX, RAs are considered "campus security authorities" under the Clery Act. A school's responsibilities in regard to crimes reported to campus security authorities are discussed in the Department's regulations on the Clery Act at 34 C.F.R. § 668.46.

should also explain to the student (again, before the student reveals information that he or she may wish to keep confidential) that, although the RA must report the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location to the Title IX coordinator or other appropriate school designee, the school will protect the student's confidentiality to the greatest extent possible. Prior to providing information about the incident to the Title IX coordinator or other appropriate school designee, the RA should consult with the student about how to protect his or her safety and the details of what will be shared with the Title IX coordinator. The RA should explain to the student that reporting this information to the Title IX coordinator or other appropriate school designee does not necessarily mean that a formal complaint or investigation under the school's Title IX grievance procedure must be initiated if the student requests confidentiality. As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request and should evaluate the request in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students.

Regardless of whether a reporting obligation exists, all RAs should inform students of their right to file a Title IX complaint with the school and report a crime to campus or local law enforcement. If a student discloses sexual violence to an RA who is a responsible employee, the school will be deemed to have notice of the sexual violence even if the student does not file a Title IX complaint. Additionally, all RAs should provide students with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. RAs should also be familiar with local rape crisis centers or other off-campus resources and provide this information to students.

E. Confidentiality and a School's Obligation to Respond to Sexual Violence

E-1. How should a school respond to a student's request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence?

Answer: Students, or parents of minor students, reporting incidents of sexual violence sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. OCR strongly supports a student's interest in confidentiality in cases involving sexual violence. There are situations in which a school must override a student's request

for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information should only be shared with individuals who are responsible for handling the school's response to incidents of sexual violence. Given the sensitive nature of reports of sexual violence, a school should ensure that the information is maintained in a secure manner. A school should be aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting sexual violence. In the case of minors, state mandatory reporting laws may require disclosure, but can generally be followed without disclosing information to school personnel who are not responsible for handling the school's response to incidents of sexual violence.²⁵

Even if a student does not specifically ask for confidentiality, to the extent possible, a school should only disclose information regarding alleged incidents of sexual violence to individuals who are responsible for handling the school's response. To improve trust in the process for investigating sexual violence complaints, a school should notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether a student complainant requests confidentiality, a school must take steps to protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. For additional information on interim measures see questions G-1 to G-3.

For Title IX purposes, if a student requests that his or her name not be revealed to the alleged perpetrator or asks that the school not investigate or seek action against the alleged perpetrator, the school should inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The school should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate

²⁵ The school should be aware of the alleged student perpetrator's right under the Family Educational Rights and Privacy Act ("FERPA") to request to inspect and review information about the allegations if the information directly relates to the alleged student perpetrator and the information is maintained by the school as an education record. In such a case, the school must either redact the complainant's name and all identifying information before allowing the alleged perpetrator to inspect and review the sections of the complaint that relate to him or her, or must inform the alleged perpetrator of the specific information in the complaint that are about the alleged perpetrator. See 34 C.F.R. § 99.12(a) The school should also make complainants aware of this right and explain how it might affect the school's ability to maintain complete confidentiality.

and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary. See question K-1 regarding retaliation.

If the student still requests that his or her name not be disclosed to the alleged perpetrator or that the school not investigate or seek action against the alleged perpetrator, the school will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. As discussed in question C-3, the Title IX coordinator is generally in the best position to evaluate confidentiality requests. Because schools vary widely in size and administrative structure, OCR recognizes that a school may reasonably determine that an employee other than the Title IX coordinator, such as a sexual assault response coordinator, dean, or other school official, is better suited to evaluate such requests. Addressing the needs of a student reporting sexual violence while determining an appropriate institutional response requires expertise and attention, and a school should ensure that it assigns these responsibilities to employees with the capability and training to fulfill them. For example, if a school has a sexual assault response coordinator, that person should be consulted in evaluating requests for confidentiality. The school should identify in its Title IX policies and procedures the employee or employees responsible for making such determinations.

If the school determines that it can respect the student's request not to disclose his or her identity to the alleged perpetrator, it should take all reasonable steps to respond to the complaint consistent with the request. Although a student's request to have his or her name withheld may limit the school's ability to respond fully to an individual allegation of sexual violence, other means may be available to address the sexual violence. There are steps a school can take to limit the effects of the alleged sexual violence and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the school's policies on sexual violence; and conducting climate surveys regarding sexual violence. In instances affecting many students, an alleged perpetrator can be put on notice of allegations of harassing behavior and be counseled appropriately without revealing, even indirectly, the identity of the student complainant. A school must also take immediate action as necessary to protect the student while keeping the identity of the student confidential. These actions may include providing support services to the student and changing living arrangements or course schedules, assignments, or tests.

E-2. What factors should a school consider in weighing a student's request for confidentiality?

Answer: When weighing a student's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, a school should consider a range of factors.

These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators). These factors also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group). Other factors that should be considered in assessing a student's request for confidentiality include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

A school should take requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. For example, if the school has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the school to investigate the allegation of sexual violence, and if appropriate, pursue disciplinary action in a manner that may require disclosure of the student's identity to the alleged perpetrator. If the school determines that it must disclose a student's identity to an alleged perpetrator, it should inform the student prior to making this disclosure. In these cases, it is also especially important for schools to take whatever interim measures are necessary to protect the student and ensure the safety of other students. If a school has a sexual assault response coordinator, that person should be consulted in identifying safety risks and interim measures that are necessary to protect the student. In the event the student requests that the school inform the perpetrator that the student asked the school not to investigate or seek discipline, the school should honor this request and inform the alleged perpetrator that the school made the decision to go forward. For additional information on interim measures see questions G-1 to G-3. Any school officials responsible for

discussing safety and confidentiality with students should be trained on the effects of trauma and the appropriate methods to communicate with students subjected to sexual violence. See questions J-1 to J-3.

On the other hand, if, for example, the school has no credible information about prior sexual violence committed by the alleged perpetrator and the alleged sexual violence was not perpetrated with a weapon or accompanied by threats to repeat the sexual violence against the complainant or others or part of a larger pattern at a given location or by a particular group, the balance of factors would likely compel the school to respect the student's request for confidentiality. In this case the school should still take all reasonable steps to respond to the complaint consistent with the student's confidentiality request and determine whether interim measures are appropriate or necessary. Schools should be mindful that traumatic events such as sexual violence can result in delayed decisionmaking by a student who has experienced sexual violence. Hence, a student who initially requests confidentiality might later request that a full investigation be conducted.

E-3. What are the reporting responsibilities of school employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to students who have experienced sexual violence?

Answer: OCR does not require campus mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student. Although these employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes, OCR recognizes the importance of protecting the counselor-client relationship, which often requires confidentiality to ensure that students will seek the help they need.

Professional counselors and pastoral counselors whose official responsibilities include providing mental-health counseling to members of the school community are not required by Title IX to report *any* information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee.²⁶

²⁶ The exemption from reporting obligations for pastoral and professional counselors under Title IX is consistent with the Clery Act. For additional information on reporting obligations under the Clery Act, see Office of Postsecondary Education, *Handbook for Campus Safety and Security Reporting* (2011), available at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. Similar to the Clery Act, for Title IX purposes, a pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious

OCR recognizes that some people who provide assistance to students who experience sexual violence are not professional or pastoral counselors. They include all individuals who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women's centers, or health centers ("non-professional counselors or advocates"), including front desk staff and students. OCR wants students to feel free to seek their assistance and therefore interprets Title IX to give schools the latitude not to require these individuals to report incidents of sexual violence in a way that identifies the student without the student's consent.²⁷ These non-professional counselors or advocates are valuable sources of support for students, and OCR strongly encourages schools to designate these individuals as confidential sources.

Pastoral and professional counselors and non-professional counselors or advocates should be instructed to inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement. In addition to informing students about campus resources for counseling, medical, and academic support, these persons should also indicate that they are available to assist students in filing such complaints. They should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary.

In order to identify patterns or systemic problems related to sexual violence, a school should collect aggregate data about sexual violence incidents from non-professional counselors or advocates in their on-campus sexual assault centers, women's centers, or

order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the school, but are under contract to provide counseling at the school. This includes individuals who are not yet licensed or certified as a counselor, but are acting in that role under the supervision of an individual who is licensed or certified. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the school.

²⁷ Postsecondary institutions should be aware that an individual who is counseling students, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority if he or she otherwise has significant responsibility for student and campus activities. See fn. 24.

health centers. Such individuals should report only general information about incidents of sexual violence such as the nature, date, time, and general location of the incident and should take care to avoid reporting personally identifiable information about a student. Non-professional counselors and advocates should consult with students regarding what information needs to be withheld to protect their identity.

E-4. Is a school required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?

Answer: No. OCR wants students to feel free to participate in preventive education programs and access resources for survivors. Therefore, public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the survivor initiates a complaint. The school should instead respond to these disclosures by reviewing sexual assault policies, creating campus-wide educational programs, and conducting climate surveys to learn more about the prevalence of sexual violence at the school. Although Title IX does not require the school to investigate particular incidents discussed at such events, the school should ensure that survivors are aware of any available resources, including counseling, health, and mental health services. To ensure that the entire school community understands their Title IX rights related to sexual violence, the school should also provide information at these events on Title IX and how to file a Title IX complaint with the school, as well as options for reporting an incident of sexual violence to campus or local law enforcement.

F. Investigations and Hearings

Overview

F-1. What elements should a school’s Title IX investigation include?

Answer: The specific steps in a school’s Title IX investigation will vary depending on the nature of the allegation, the age of the student or students involved, the size and administrative structure of the school, state or local legal requirements (including mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

For the purposes of this document the term “investigation” refers to the process the school uses to resolve sexual violence complaints. This includes the fact-finding investigation and any hearing and decision-making process the school uses to determine: (1) whether or not the conduct occurred; and, (2) if the conduct occurred, what actions

the school will take to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

In all cases, a school's Title IX investigation must be adequate, reliable, impartial, and prompt and include the opportunity for both parties to present witnesses and other evidence. The investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing.²⁸ Furthermore, neither Title IX nor the DCL specifies who should conduct the investigation. It could be the Title IX coordinator, provided there are no conflicts of interest, but it does not have to be. All persons involved in conducting a school's Title IX investigations must have training or experience in handling complaints of sexual violence and in the school's grievance procedures. For additional information on training, see question J-3.

When investigating an incident of alleged sexual violence for Title IX purposes, to the extent possible, a school should coordinate with any other ongoing school or criminal investigations of the incident and establish appropriate fact-finding roles for each investigator. A school should also consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. If the investigation includes forensic evidence, it may be helpful for a school to consult with local or campus law enforcement or a forensic expert to ensure that the evidence is correctly interpreted by school officials. For additional information on working with campus or local law enforcement see question F-3.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without additional remedies, likely will not be sufficient to eliminate the hostile environment and prevent recurrence as required by Title IX. If a school typically processes complaints of sexual violence through its disciplinary process and that process, including any investigation and hearing, meets the Title IX requirements discussed above and enables the school to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, then the school may use that process to satisfy its Title IX obligations and does not need to conduct a separate Title IX investigation. As discussed in question C-3, the Title IX coordinator should review the disciplinary process

²⁸ This answer addresses only Title IX's requirements for investigations. It does not address legal rights or requirements under the U.S. Constitution, the Clery Act, or other federal, state, or local laws.

to ensure that it: (1) complies with the prompt and equitable requirements of Title IX; (2) allows for appropriate interim measures to be taken to protect the complainant during the process; and (3) provides for remedies to the complainant and school community where appropriate. For more information about interim measures, see questions G-1 to G-3, and about remedies, see questions H-1 and H-2.

The investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator, and any witnesses; reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering and examining other relevant documents or evidence. While a school has flexibility in how it structures the investigative process, for Title IX purposes, a school must give the complainant any rights that it gives to the alleged perpetrator. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions.²⁹ Specifically:

- Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.
- The school must use a preponderance-of-the-evidence (*i.e.*, more likely than not) standard in any Title IX proceedings, including any fact-finding and hearings.
- If the school permits one party to have lawyers or other advisors at any stage of the proceedings, it must do so equally for both parties. Any school-imposed restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings must also apply equally.
- If the school permits one party to submit third-party expert testimony, it must do so equally for both parties.
- If the school provides for an appeal, it must do so equally for both parties.
- Both parties must be notified, in writing, of the outcome of both the complaint and any appeal (see question H-3).

²⁹ As explained in question C-5, the parties may have certain due process rights under the U.S. Constitution.

Intersection with Criminal Investigations

F-2. What are the key differences between a school's Title IX investigation into allegations of sexual violence and a criminal investigation?

Answer: A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. The U.S. Constitution affords criminal defendants who face the risk of incarceration numerous protections, including, but not limited to, the right to counsel, the right to a speedy trial, the right to a jury trial, the right against self-incrimination, and the right to confrontation. In addition, government officials responsible for criminal investigations (including police and prosecutors) normally have discretion as to which complaints from the public they will investigate.

By contrast, a Title IX investigation will never result in incarceration of an individual and, therefore, the same procedural protections and legal standards are not required. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the school's Title IX obligations.

Of course, criminal investigations conducted by local or campus law enforcement may be useful for fact gathering if the criminal investigation occurs within the recommended timeframe for Title IX investigations; but, even if a criminal investigation is ongoing, a school must still conduct its own Title IX investigation.

A school should notify complainants of the right to file a criminal complaint and should not dissuade a complainant from doing so either during or after the school's internal Title IX investigation. Title IX does not require a school to report alleged incidents of sexual violence to law enforcement, but a school may have reporting obligations under state, local, or other federal laws.

F-3. How should a school proceed when campus or local law enforcement agencies are conducting a criminal investigation while the school is conducting a parallel Title IX investigation?

Answer: A school should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation. Although a school may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence, it is important for a school to understand that during this brief delay in the Title IX investigation, it must take interim measures to protect the complainant in the educational setting. The school should also continue to update the parties on the status of the investigation and inform the parties when the school resumes its Title IX investigation. For additional information on interim measures see questions G-1 to G-3.

If a school delays the fact-finding portion of a Title IX investigation, the school must promptly resume and complete its fact-finding for the Title IX investigation once it learns that the police department has completed its evidence gathering stage of the criminal investigation. The school should not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges. OCR recommends that a school work with its campus police, local law enforcement, and local prosecutor's office to learn when the evidence gathering stage of the criminal investigation is complete. A school may also want to enter into a memorandum of understanding (MOU) or other agreement with these agencies regarding the protocols and procedures for referring allegations of sexual violence, sharing information, and conducting contemporaneous investigations. Any MOU or other agreement must allow the school to meet its Title IX obligation to resolve complaints promptly and equitably, and must comply with the Family Educational Rights and Privacy Act ("FERPA") and other applicable privacy laws.

The DCL states that in one instance a prosecutor's office informed OCR that the police department's evidence gathering stage typically takes three to ten calendar days, although the delay in the school's investigation may be longer in certain instances. OCR understands that this example may not be representative and that the law enforcement agency's process often takes more than ten days. OCR recognizes that the length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.

Off-Campus Conduct

F-4. Is a school required to process complaints of alleged sexual violence that occurred off campus?

Answer: Yes. Under Title IX, a school must process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

A school must determine whether the alleged off-campus sexual violence occurred in the context of an education program or activity of the school; if so, the school must treat the complaint in the same manner that it treats complaints regarding on-campus conduct. In other words, if a school determines that the alleged misconduct took place in the context of an education program or activity of the school, the fact that the alleged misconduct took place off campus does not relieve the school of its obligation to investigate the complaint as it would investigate a complaint of sexual violence that occurred on campus.

Whether the alleged misconduct occurred in this context may not always be apparent from the complaint, so a school may need to gather additional information in order to make such a determination. Off-campus education programs and activities are clearly covered and include, but are not limited to: activities that take place at houses of fraternities or sororities recognized by the school; school-sponsored field trips, including athletic team travel; and events for school clubs that occur off campus (*e.g.*, a debate team trip to another school or to a weekend competition).

Even if the misconduct did not occur in the context of an education program or activity, a school must consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity because students often experience the continuing effects of off-campus sexual violence while at school or in an off-campus education program or activity. The school cannot address the continuing effects of the off-campus sexual violence at school or in an off-campus education program or activity unless it processes the complaint and gathers appropriate additional information in accordance with its established procedures.

Once a school is on notice of off-campus sexual violence against a student, it must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. The mere presence on campus or in an

off-campus education program or activity of the alleged perpetrator of off-campus sexual violence can have continuing effects that create a hostile environment. A school should also take steps to protect a student who alleges off-campus sexual violence from further harassment by the alleged perpetrator or his or her friends, and a school may have to take steps to protect other students from possible assault by the alleged perpetrator. In other words, the school should protect the school community in the same way it would had the sexual violence occurred on campus. Even if there are no continuing effects of the off-campus sexual violence experienced by the student on campus or in an off-campus education program or activity, the school still should handle these incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any other applicable laws. For example, if a school, under its code of conduct, exercises jurisdiction over physical altercations between students that occur off campus outside of an education program or activity, it should also exercise jurisdiction over incidents of student-on-student sexual violence that occur off campus outside of an education program or activity.

Hearings³⁰

F-5. Must a school allow or require the parties to be present during an entire hearing?

Answer: If a school uses a hearing process to determine responsibility for acts of sexual violence, OCR does not require that the school allow a complainant to be present for the entire hearing; it is up to each school to make this determination. But if the school allows one party to be present for the entirety of a hearing, it must do so equally for both parties. At the same time, when requested, a school should make arrangements so that the complainant and the alleged perpetrator do not have to be present in the same room at the same time. These two objectives may be achieved by using closed circuit television or other means. Because a school has a Title IX obligation to investigate possible sexual violence, if a hearing is part of the school's Title IX investigation process, the school must not require a complainant to be present at the hearing as a prerequisite to proceed with the hearing.

³⁰ As noted in question F-1, the investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing. Although Title IX does not dictate the membership of a hearing board, OCR discourages schools from allowing students to serve on hearing boards in cases involving allegations of sexual violence.

F-6. May every witness at the hearing, including the parties, be cross-examined?

Answer: OCR does not require that a school allow cross-examination of witnesses, including the parties, if they testify at the hearing. But if the school allows one party to cross-examine witnesses, it must do so equally for both parties.

OCR strongly discourages a school from allowing the parties to personally question or cross-examine each other during a hearing on alleged sexual violence. Allowing an alleged perpetrator to question a complainant directly may be traumatic or intimidating, and may perpetuate a hostile environment. A school may choose, instead, to allow the parties to submit questions to a trained third party (*e.g.*, the hearing panel) to ask the questions on their behalf. OCR recommends that the third party screen the questions submitted by the parties and only ask those it deems appropriate and relevant to the case.

F-7. May the complainant's sexual history be introduced at hearings?

Answer: Questioning about the complainant's sexual history with anyone other than the alleged perpetrator should not be permitted. Further, a school should recognize that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence. The school should also ensure that hearings are conducted in a manner that does not inflict additional trauma on the complainant.

Timeframes

F-8. What stages of the investigation are included in the 60-day timeframe referenced in the DCL as the length for a typical investigation?

Answer: As noted in the DCL, the 60-calendar day timeframe for investigations is based on OCR's experience in typical cases. The 60-calendar day timeframe refers to the entire investigation process, which includes conducting the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether the alleged sexual violence occurred and created a hostile environment, and determining what actions the school will take to eliminate the hostile environment and prevent its recurrence, including imposing sanctions against the perpetrator and providing remedies for the complainant and school community, as appropriate. Although this timeframe does not include appeals, a school should be aware that an unduly long appeals process may impact whether the school's response was prompt and equitable as required by Title IX.

OCR does not require a school to complete investigations within 60 days; rather OCR evaluates on a case-by-case basis whether the resolution of sexual violence complaints is prompt and equitable. Whether OCR considers an investigation to be prompt as required by Title IX will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. OCR recognizes that the investigation process may take longer if there is a parallel criminal investigation or if it occurs partially during school breaks. A school may need to stop an investigation during school breaks or between school years, although a school should make every effort to try to conduct an investigation during these breaks unless so doing would sacrifice witness availability or otherwise compromise the process.

Because timeframes for investigations vary and a school may need to depart from the timeframes designated in its grievance procedures, both parties should be given periodic status updates throughout the process.

G. Interim Measures

G-1. Is a school required to take any interim measures before the completion of its investigation?

Answer: Title IX requires a school to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The school should also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. If a school does not offer these services on campus, it should enter into an MOU with a local victim services provider if possible.

Even when a school has determined that it can respect a complainant's request for confidentiality and therefore may not be able to respond fully to an allegation of sexual violence and initiate formal action against an alleged perpetrator, the school must take immediate action to protect the complainant while keeping the identity of the complainant confidential. These actions may include: providing support services to the

complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

G-2. How should a school determine what interim measures to take?

Answer: The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. A school should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the complainant (*e.g.*, civil protection orders).

In general, when taking interim measures, schools should minimize the burden on the complainant. For example, if the complainant and alleged perpetrator share the same class or residence hall, the school should not, as a matter of course, remove the complainant from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

G-3. If a school provides all students with access to counseling on a fee basis, does that suffice for providing counseling as an interim measure?

Answer: No. Interim measures are determined by a school on a case-by-case basis. If a school determines that it needs to offer counseling to the complainant as part of its Title IX obligation to take steps to protect the complainant while the investigation is ongoing, it must not require the complainant to pay for this service.

H. Remedies and Notice of Outcome³¹

H-1. What remedies should a school consider in a case of student-on-student sexual violence?

Answer: Effective remedial action may include disciplinary action against the perpetrator, providing counseling for the perpetrator, remedies for the complainant and others, as well as changes to the school's overall services or policies. All services needed to remedy the hostile environment should be offered to the complainant. These remedies are separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of the school's investigation. In any instance in which the complainant did not take advantage of a specific service (*e.g.*, counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without more, likely will not be sufficient to satisfy its Title IX obligation to eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Additional remedies for the complainant and the school community may be necessary. If the school's student disciplinary procedure does not include a process for determining and implementing these remedies for the complainant and school community, the school will need to use another process for this purpose.

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;

³¹ As explained in question A-5, if a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to be subjected to a hostile environment. In this case, in addition to the remedies discussed in this section, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately.

- Ensuring the complainant and perpetrator do not share classes or extracurricular activities;
- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.³²

Remedies for the broader student population may include, but are not limited to:

- Designating an individual from the school's counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining school employees on the school's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual violence, which should be distributed to all students;
- Conducting bystander intervention and sexual violence prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents;

³² For example, if the complainant was disciplined for skipping a class in which the perpetrator was enrolled, the school should review the incident to determine if the complainant skipped class to avoid contact with the perpetrator.

- Conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the sexual violence created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team; and
- Developing a protocol for working with local law enforcement as discussed in question F-3.

When a school is unable to conduct a full investigation into a particular incident (*i.e.*, when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

H-2. If, after an investigation, a school finds the alleged perpetrator responsible and determines that, as part of the remedies for the complainant, it must separate the complainant and perpetrator, how should the school accomplish this if both students share the same major and there are limited course options?

Answer: If there are limited sections of required courses offered at a school and both the complainant and perpetrator are required to take those classes, the school may need to make alternate arrangements in a manner that minimizes the burden on the complainant. For example, the school may allow the complainant to take the regular sections of the courses while arranging for the perpetrator to take the same courses online or through independent study.

H-3. What information must be provided to the complainant in the notice of the outcome?

Answer: Title IX requires both parties to be notified, in writing, about the outcome of both the complaint and any appeal. OCR recommends that a school provide written notice of the outcome to the complainant and the alleged perpetrator concurrently.

For Title IX purposes, a school must inform the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant.

Sanctions that directly relate to the complainant (but that may also relate to eliminating the hostile environment and preventing recurrence) include, but are not limited to, requiring that the perpetrator stay away from the complainant until both parties graduate, prohibiting the perpetrator from attending school for a period of time, or transferring the perpetrator to another residence hall, other classes, or another school. Additional steps the school has taken to eliminate the hostile environment may include counseling and academic support services for the complainant and other affected students. Additional steps the school has taken to prevent recurrence may include sexual violence training for faculty and staff, revisions to the school's policies on sexual violence, and campus climate surveys. Further discussion of appropriate remedies is included in question H-1.

In addition to the Title IX requirements described above, the Clery Act requires, and FERPA permits, postsecondary institutions to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant.³³

I. Appeals

I-1. What are the requirements for an appeals process?

Answer: While Title IX does not require that a school provide an appeals process, OCR does recommend that the school do so where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or where a sanction is substantially disproportionate to the findings. If a school chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties. The specific design of the appeals process is up to the school, as long as the entire grievance process, including any appeals, provides prompt and equitable resolutions of sexual violence complaints, and the school takes steps to protect the complainant in the educational setting during the process. Any individual or body handling appeals should be trained in the dynamics of and trauma associated with sexual violence.

If a school chooses to offer an appeals process it has flexibility to determine the type of review it will apply to appeals, but the type of review the school applies must be the same regardless of which party files the appeal.

³³ 20 U.S.C. § 1092(f) and 20 U.S.C. § 1232g(b)(6)(A).

I-2. Must an appeal be available to a complainant who receives a favorable finding but does not believe a sanction that directly relates to him or her was sufficient?

Answer: The appeals process must be equal for both parties. For example, if a school allows a perpetrator to appeal a suspension on the grounds that it is too severe, the school must also allow a complainant to appeal a suspension on the grounds that it was not severe enough. See question H-3 for more information on what must be provided to the complainant in the notice of the outcome.

J. Title IX Training, Education and Prevention³⁴

J-1. What type of training on Title IX and sexual violence should a school provide to its employees?

Answer: A school needs to ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence, that other responsible employees know that they are obligated to report sexual violence to appropriate school officials, and that all other employees understand how to respond to reports of sexual violence. A school should ensure that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential. A school should provide training to all employees likely to witness or receive reports of sexual violence, including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsels, athletic coaches, health personnel, and resident advisors. Training for employees should include practical information about how to prevent and identify sexual violence, including same-sex sexual violence; the behaviors that may lead to and result in sexual violence; the attitudes of bystanders that may allow conduct to continue; the potential for revictimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The training should also explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to students' requests for confidentiality, as well as provide the contact

³⁴ As explained earlier, although this document focuses on sexual violence, the legal principles apply to other forms of sexual harassment. Schools should ensure that any training they provide on Title IX and sexual violence also covers other forms of sexual harassment. Postsecondary institutions should also be aware of training requirements imposed under the Clery Act.

information for the school's Title IX coordinator. A school also should train responsible employees to inform students of: the reporting obligations of responsible employees; students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement. For additional information on the reporting obligations of responsible employees and others see questions D-1 to D-5.

There is no minimum number of hours required for Title IX and sexual violence training at every school, but this training should be provided on a regular basis. Each school should determine based on its particular circumstances how such training should be conducted, who has the relevant expertise required to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. A school should also have methods for verifying that the training was effective.

J-2. How should a school train responsible employees to report incidents of possible sexual harassment or sexual violence?

Answer: Title IX requires a school to take prompt and effective steps reasonably calculated to end sexual harassment and sexual violence that creates a hostile environment (*i.e.*, conduct that is sufficiently serious as to limit or deny a student's ability to participate in or benefit from the school's educational program and activity). But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

OCR therefore recommends that a school train responsible employees to report to the Title IX coordinator or other appropriate school official any incidents of sexual harassment or sexual violence that may violate the school's code of conduct or may create or contribute to the creation of a hostile environment. The school can then take steps to investigate and prevent any harassment or violence from recurring or escalating, as appropriate. For example, the school may separate the complainant and alleged perpetrator or conduct sexual harassment and sexual violence training for the school's students and employees. Responsible employees should understand that they do not need to determine whether the alleged sexual harassment or sexual violence actually occurred or that a hostile environment has been created before reporting an incident to the school's Title IX coordinator. Because the Title IX coordinator should have in-depth knowledge of Title IX and Title IX complaints at the school, he or she is likely to be in a better position than are other employees to evaluate whether an incident of sexual

harassment or sexual violence creates a hostile environment and how the school should respond. There may also be situations in which individual incidents of sexual harassment do not, by themselves, create a hostile environment; however when considered together, those incidents may create a hostile environment.

J-3. What type of training should a school provide to employees who are involved in implementing the school's grievance procedures?

Answer: All persons involved in implementing a school's grievance procedures (*e.g.*, Title IX coordinators, others who receive complaints, investigators, and adjudicators) must have training or experience in handling sexual violence complaints, and in the operation of the school's grievance procedures. The training should include information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

In rare circumstances, employees involved in implementing a school's grievance procedures may be able to demonstrate that prior training and experience has provided them with competency in the areas covered in the school's training. For example, the combination of effective prior training and experience investigating complaints of sexual violence, together with training on the school's current grievance procedures may be sufficient preparation for an employee to resolve Title IX complaints consistent with the school's grievance procedures. In-depth knowledge regarding Title IX and sexual violence is particularly helpful. Because laws and school policies and procedures may change, the only way to ensure that all employees involved in implementing the school's grievance procedures have the requisite training or experience is for the school to provide regular training to all individuals involved in implementing the school's Title IX grievance procedures even if such individuals also have prior relevant experience.

J-4. What type of training on sexual violence should a school provide to its students?

Answer: To ensure that students understand their rights under Title IX, a school should provide age-appropriate training to its students regarding Title IX and sexual violence. At the elementary and secondary school level, schools should consider whether sexual violence training should also be offered to parents, particularly training on the school's process for handling complaints of sexual violence. Training may be provided separately or as part of the school's broader training on sex discrimination and sexual harassment. However, sexual violence is a unique topic that should not be assumed to be covered adequately in other educational programming or training provided to students. The school may want to include this training in its orientation programs for new students; training for student athletes and members of student organizations; and back-to-school nights. A school should consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals. OCR recommends that, at a minimum, the following topics (as appropriate) be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school's policies;
- the school's definition of consent applicable to sexual conduct, including examples;
- how the school analyzes whether conduct was unwelcome under Title IX;
- how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- the school's grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological changes;
- the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation.

The training should also encourage students to report incidents of sexual violence. The training should explain that students (and their parents or friends) do not need to determine whether incidents of sexual violence or other sexual harassment created a

hostile environment before reporting the incident. A school also should be aware that persons may be deterred from reporting incidents if, for example, violations of school or campus rules regarding alcohol or drugs were involved. As a result, a school should review its disciplinary policy to ensure it does not have a chilling effect on students' reporting of sexual violence offenses or participating as witnesses. OCR recommends that a school inform students that the school's primary concern is student safety, and that use of alcohol or drugs never makes the survivor at fault for sexual violence.

It is also important for a school to educate students about the persons on campus to whom they can confidentially report incidents of sexual violence. A school's sexual violence education and prevention program should clearly identify the offices or individuals with whom students can speak confidentially and the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. It should also identify the school's responsible employees and explain that if students report incidents to responsible employees (except as noted in question E-3) these employees are required to report the incident to the Title IX coordinator or other appropriate official. This reporting includes the names of the alleged perpetrator and student involved in the sexual violence, as well as relevant facts including the date, time, and location, although efforts should be made to comply with requests for confidentiality from the complainant. For more detailed information regarding reporting and responsible employees and confidentiality, see questions D-1 to D-5 and E-1 to E-4.

K. Retaliation

K-1. Does Title IX protect against retaliation?

Answer: Yes. The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an OCR or school's investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way

discriminating against the individual) because of the individual's complaint or participation.

A school should take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses.

Schools should be aware that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her associates. When a school knows or reasonably should know of possible retaliation by other students or third parties, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and witnesses and ensure their safety as necessary. At a minimum, this includes making sure that the complainant and his or her parents, if the complainant is in elementary or secondary school, and witnesses know how to report retaliation by school officials, other students, or third parties by making follow-up inquiries to see if there have been any new incidents or acts of retaliation, and by responding promptly and appropriately to address continuing or new problems. A school should also tell complainants and witnesses that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

L. First Amendment

L-1. How should a school handle its obligation to respond to sexual harassment and sexual violence while still respecting free-speech rights guaranteed by the Constitution?

Answer: The DCL on sexual violence did not expressly address First Amendment issues because it focuses on unlawful physical sexual violence, which is not speech or expression protected by the First Amendment.

However, OCR's previous guidance on the First Amendment, including the 2001 Guidance, OCR's July 28, 2003, Dear Colleague Letter on the First Amendment,³⁵ and OCR's October 26, 2010, Dear Colleague Letter on harassment and bullying,³⁶ remain fully in effect. OCR has made it clear that the laws and regulations it enforces protect students from prohibited discrimination and do not restrict the exercise of any expressive activities or speech protected under the U.S. Constitution. Therefore, when a school works to prevent

³⁵ Available at <http://www.ed.gov/ocr/firstamend.html>.

³⁶ Available at <http://www.ed.gov/ocr/letters/colleague-201010.html>.

and redress discrimination, it must respect the free-speech rights of students, faculty, and other speakers.

Title IX protects students from sex discrimination; it does not regulate the content of speech. OCR recognizes that the offensiveness of a particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a hostile environment under Title IX. Title IX also does not require, prohibit, or abridge the use of particular textbooks or curricular materials.³⁷

M. The Clery Act and the Violence Against Women Reauthorization Act of 2013

M-1. How does the Clery Act affect the Title IX obligations of institutions of higher education that participate in the federal student financial aid programs?

Answer: Institutions of higher education that participate in the federal student financial aid programs are subject to the requirements of the Clery Act as well as Title IX. The Clery Act requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies. The Clery Act requirements apply to many crimes other than those addressed by Title IX. For those areas in which the Clery Act and Title IX both apply, the institution must comply with both laws. For additional information about the Clery Act and its regulations, please see <http://www2.ed.gov/admins/lead/safety/campus.html>.

M-2. Were a school's obligations under Title IX and the DCL altered in any way by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, including Section 304 of that Act, which amends the Clery Act?

Answer: No. The Violence Against Women Reauthorization Act has no effect on a school's obligations under Title IX or the DCL. The Violence Against Women Reauthorization Act amended the Violence Against Women Act and the Clery Act, which are separate statutes. Nothing in Section 304 or any other part of the Violence Against Women Reauthorization Act relieves a school of its obligation to comply with the requirements of Title IX, including those set forth in these Questions and Answers, the 2011 DCL, and the *2001 Guidance*. For additional information about the Department's negotiated rulemaking related to the Violence Against Women Reauthorization Act please see <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html>.

³⁷ 34 C.F.R. § 106.42.

N. Further Federal Guidance

N-1. Whom should I contact if I have additional questions about the DCL or OCR's other Title IX guidance?

Answer: Anyone who has questions regarding this guidance, or Title IX should contact the OCR regional office that serves his or her state. Contact information for OCR regional offices can be found on OCR's webpage at

<https://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>. If you wish to file a complaint of discrimination with OCR, you may use the online complaint form available at <http://www.ed.gov/ocr/complaintintro.html> or send a letter to the OCR enforcement office responsible for the state in which the school is located. You may also email general questions to OCR at ocr@ed.gov.

N-2. Are there other resources available to assist a school in complying with Title IX and preventing and responding to sexual violence?

Answer: Yes. OCR's policy guidance on Title IX is available on OCR's webpage at <http://www.ed.gov/ocr/publications.html#TitleIX>. In addition to the April 4, 2011, Dear Colleague Letter, OCR has issued the following resources that further discuss a school's obligation to respond to allegations of sexual harassment and sexual violence:

- Dear Colleague Letter: Harassment and Bullying (October 26, 2010), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>
- *Sexual Harassment: It's Not Academic* (Revised September 2008), <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>
- *Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties* (January 19, 2001), <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

In addition to guidance from OCR, a school may also find resources from the Departments of Education and Justice helpful in preventing and responding to sexual violence:

- Department of Education’s Letter to Chief State School Officers on Teen Dating Violence Awareness and Prevention (February 28, 2013)
<https://www2.ed.gov/policy/gen/guid/secletter/130228.html>
- Department of Education’s National Center on Safe Supportive Learning Environments
<http://safesupportivelearning.ed.gov/>
- Department of Justice, Office on Violence Against Women
<http://www.ovw.usdoj.gov/>

their non-conformity to gender norms. This may be sexual harassment covered under Title IX. Read more about federal civil rights laws.

Many states protect against bullying because of sexual orientation in their state laws.

[Back to top](#)

Additional Resources

- ▶ Bullying of LGBT Youth and Those Perceived to Have Different Sexual Orientations Tip Sheet (PDF - 339 KB)
- ▶ Learn more about preventing bullying.
- ▶ Visit the Centers for Disease Control and Prevention website to support LGBT youth.
- ▶ Read a paper on LGBT bullying from the White House Conference on Bullying.
- ▶ Read more about health-risk behaviors in LGBT youth.

[Back to top](#)

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U.S. Department of Education

LAWS & GUIDANCE (/POLICY/LANDING.JHTML? SRC=LN)/ ELEMENTARY & SECONDARY EDUCATION Key Policy Letters from the Education Secretary and Deputy Secretary

June 14, 2011

June 14, 2011

Dear Colleagues:

Harassment and bullying are serious problems in our schools, and lesbian, gay, bisexual, and transgender (LGBT) students are the targets of disproportionate shares of these problems. Thirty-two percent of students aged 12-18 experienced verbal or physical bullying during the 2007-2008 school year;¹ and, according to a recent survey, more than 90 percent of LGBT students in grades 6 through 12 reported being verbally harassed — and almost half reported being physically harassed — during the 2008-2009 school year.² High levels of harassment and bullying correlate with poorer educational outcomes, lower future aspirations, frequent school absenteeism, and lower grade-point averages.³ Recent tragedies involving LGBT students and students perceived to be LGBT only underscore the need for safer schools.

Gay-straight alliances (GSAs) and similar student-initiated groups addressing LGBT issues can play an important role in promoting safer schools and creating more welcoming learning environments. Nationwide, students are forming these groups in part to combat bullying and harassment of LGBT students and to promote understanding and respect in the school community. Although the efforts of these groups focus primarily on the needs of LGBT students, students who have LGBT family members and friends, and students who are perceived to be LGBT, messages of respect, tolerance, and inclusion benefit all our students. By encouraging dialogue and providing supportive resources, these groups can help make schools safe and affirming environments for everyone.

But in spite of the positive effect these groups can have in schools, some such groups have been unlawfully excluded from school grounds, prevented from forming, or denied access to school resources. These same barriers have sometimes been used to target religious and other student groups, leading Congress to pass the Equal Access Act.

In 1984, Congress passed and President Ronald Reagan signed into law the Equal Access Act, requiring public secondary schools to provide equal access for extracurricular clubs. Rooted in principles of equal treatment and freedom of expression, the Act protects student-initiated groups of all types. As one of my predecessors, Secretary Richard W. Riley, pointed out in guidance concerning the Equal Access Act and religious clubs more than a decade ago, we “protect our own freedoms by respecting the freedom of others who differ from us.”⁴ By allowing students to discuss difficult issues openly and honestly, in a civil manner, our schools become forums for combating ignorance, bigotry, hatred, and discrimination.

How Do I Find...

- Student loans, forgiveness (</fund/grants-college.html?src=rn>)
- College accreditation (<http://ope.ed.gov/accreditation/>)
- No Child Left Behind (</nclb/landing.jhtml?src=rn>)
- FERPA (</policy/gen/guid/fpco/ferpa/index.html?src=rn>)
- FAFSA (<http://fafsa.ed.gov/>)
- 1098-E Tax Form (<http://www.ed.gov/1098-e>)
- 2015 Budget Proposal (<http://www.ed.gov/budget15>)
More > (</about/top-tasks.html?src=rn>)

Information About...

- Transforming Teaching (<http://www.ed.gov/teaching>)
- Family and Community Engagement (<http://www.ed.gov/family-and-community-engagement>)
- Early Learning (<http://www.ed.gov/early-learning>)
- K-12 Reforms (<http://www.ed.gov/k-12reforms>)
More > (<http://www.ed.gov/priorities>)

The Act requires public secondary schools to treat all student-initiated groups equally, regardless of the religious, political, philosophical, or other subject matters discussed at their meetings. Its protections apply to groups that address issues relating to LGBT students and matters involving sexual orientation and gender identity, just as they apply to religious and other student groups.

Today, the U.S. Department of Education's General Counsel, Charles P. Rose, is issuing a set of legal guidelines affirming the principles that prevent unlawful discrimination against any student-initiated groups. We intend for these guidelines to provide schools with the information and resources they need to help ensure that all students, including LGBT and gender nonconforming students, have a safe place to learn, meet, share experiences, and discuss matters that are important to them.

Although specific implementation of the Equal Access Act depends upon contextual circumstances, these guidelines reflect basic obligations imposed on public school officials by the Act and the First Amendment to the U.S. Constitution. The general rule, approved by the U.S. Supreme Court, is that a public high school that allows at least one noncurricular student group to meet on school grounds during noninstructional time (e.g., lunch, recess, or before or after school) may not deny similar access to other noncurricular student groups, regardless of the religious, political, philosophical, or other subject matters that the groups address.

I encourage every school district to make sure that its administrators, faculty members, staff, students, and parents are familiar with these principles in order to protect the rights of all students — regardless of religion, political or philosophical views, sexual orientation, or gender identity. I also urge school districts to use the guidelines to develop or improve district policies. In doing so, school officials may find it helpful to explain to the school community that the Equal Access Act requires public schools to afford equal treatment to all noncurricular student organizations, including GSAs and other groups that focus on issues related to LGBT students, sexual orientation, or gender identity. Officials need not endorse any particular student organization, but federal law requires that they afford all student groups the same opportunities to form, to convene on school grounds, and to have access to the same resources available to other student groups.

The process of revising or developing an equal-access policy offers an opportunity for school officials to engage their community in an open dialogue on the equal treatment of all noncurricular student organizations. It is important to remember, therefore, that the Equal Access Act's requirements are a bare legal minimum. I invite and encourage you to go beyond what the law requires in order to increase students' sense of belonging in the school and to help students, teachers, and parents recognize the core values behind our principles of free speech. As noted in our October 2010 Dear Colleague Letter (<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>) and December 2010 guidance (<http://www2.ed.gov/policy/gen/guid/secletter/101215.html>) regarding anti-bullying policies, I applaud such policies as positive steps toward ensuring equal access to education for all students.

Thank you for your work on behalf of our nation's children.

Sincerely,

/s/

Arne Duncan

Enclosure MS Word (43 K) (/policy/elsec/guid/secletter/groupsguide.doc)

¹Dinkes, R., Kemp, J., and Baum, K. (2010). Indicators of School Crime and Safety: 2010. (NCES 2010-012/NCJ 228478). 42 National Center for Education Statistics: Washington, DC.

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(<http://www2.ed.gov/about/overview/focus-media.html?src=fn>)

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- Office of Innovation and Improvement (</about/offices/list/oii/index.html>? src=rt)
- Key Policy Letters (</policy/gen/guid/secletter/index.html> src=rt)

²Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools, 26, New York: GLSEN.

³GLSEN, at 46-8.

⁴U.S. Department of Education, "Secretary's Guidelines on Religious Expression in Public Schools," August 1995.



[\(/print/policy/elsec/guid/secletter/110607.html\)](/print/policy/elsec/guid/secletter/110607.html)

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Defaulted Loans

<http://studentaid.ed.gov/repay-loans/default?src=ft>

Loan Forgiveness

<http://studentaid.ed.gov/repay-loans/forgiveness-cancellation?src=ft>

Loan Servicers

<https://studentaid.ed.gov/repay-loans/understand/servicers?src=ft#who-is-my-loan-servicer>

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</fund/grant/find/edlite-forecast.html?src=ft>

Open Grant Competitions

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Find Grant Programs by Eligibility

[\(/programs/find/elig/index.html?src=ft\)](/programs/find/elig/index.html?src=ft)

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Civil Rights

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CHAPTER 4.00 – CURRICULUM AND INSTRUCTION

STUDENT CLUBS AND ORGANIZATIONS

4.06

- 1) Extracurricular activities shall be considered an essential part of the total school program and shall be under the principal's direction and general control. Extracurricular activities shall be offered to students through various clubs and organizations.
- 2) All student clubs and organizations shall comply with the following:
 - a) The principal shall approve the rules of each student club or organization. The rules shall state the purposes, qualifications for members, and the rules of conduct; shall be maintained on file in the administration offices of the school; and, shall be available to all interested parties.
 - b) Eligibility for membership shall not include a vote of the current membership. Hazing is strictly forbidden. Hazing shall be defined as any action or situation for the purpose of initiation or admission into or affiliation with any club or organization which recklessly or intentionally endangers a student's mental or physical health or safety.
 - c) Any school club or organization which engages in an initiation ceremony for its members shall prepare and submit the program of initiation exercises to the faculty sponsor for review and approval by the principal.
 - d) Dues shall be reasonable and not prohibitive. Students shall not be excluded because of financial hardship.
 - e) Shall be self-supporting.
 - f) A faculty sponsor shall be present at all meetings.
 - g) All social events shall be adequately chaperoned.
 - h) All monies accruing to any school club or organization shall be accounted for through the school's internal accounting system pursuant to the District's accounting procedures.
 - i) A student club or organization shall not conduct any activity or act which violates law, School Board Rules, or procedures.

CHAPTER 4.00 – CURRICULUM AND INSTRUCTION

STUDENT CLUBS AND ORGANIZATIONS

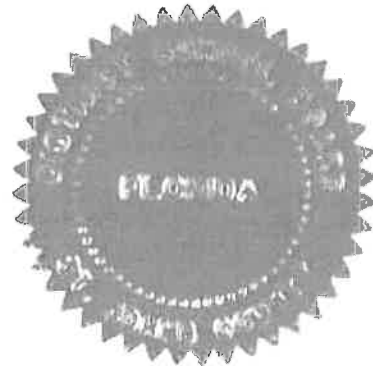
4.06

- 3) The club or organization's faculty sponsor shall be a School Board employee who is:
 - a) assigned responsibility for the club or organization as a part of the employee's job description;
 - b) paid a supplement for such duty; or,
 - c) volunteers to serve in the position.
- 4) A student's participation in a club or organization is a privilege and not a right. A student's opportunity to participate can be limited or denied for failure to follow the club or organization's rules or for violation of the Student Conduct Code or School Board rules.

STATUTORY AUTHORITY: 1001.41, F.S.

LAWS IMPLEMENTED: 1001.42; 1006.09, F.S.

HISTORY: **ADOPTED:** 08/18/1998
REVISION DATE(S): 11/16/2004
FORMERLY: IGDA; JFCE



School board answers transgender student's complaint

Gloucester High to build unisex bathrooms for LGBT students

By Jason Marks Published: December 9, 2014, 11:47 pm Updated: December 10, 2014, 12:41

GLOUCESTER COUNTY, Va. (WAVY) — A transgender student at Gloucester High School will not be allowed to use the boys restroom. That decision came from the county's school board Tuesday night, in a 6-1 vote for a policy to have bathrooms used according to sex, not gender identity.

10th grader Gavin Grimm, who was born a girl, says he is a boy and is taking hormone medicine with plans to have a sex change. He doesn't feel comfortable using the girls bathroom at school, and wants to use the boys bathroom.

The issue was brought before school board members last month, but the vote was tabled until this week, to allow more time for members to study and consider the matter.

In the meantime, the American Civil Liberties Union warned Gloucester County Schools it will sue the school board, if Gavin's civil rights are violated.

Document: ACLU letter to Gloucester County School Board

Tuesday night, dozens of attendees voiced their opinion in front of the school board. Some Gloucester High male students said they don't feel comfortable being in the bathroom with a girl. Grimm's mom told the board he has used the boys bathroom since early October, and that there have been no problems.

One board member said the school system gets almost \$3 million a year in federal funding that could be lost, if the government finds Gavin is being discriminated against.

Board members said they wanted to respect the privacy of all students. They discussed putting dividers between urinals and creating more stalls, but eventually decided bathrooms will be used according to sex. However, the school system will build unisex bathrooms around the school, for students who want to use them.

But that's not what Grimm wanted to hear.

Photos: Gloucester school restroom vote

“While I’m disappointed, I’m very glad that the public has spoken,” Grimm said. “I’m glad the school board has spoken, and my fight is not over, because of the decision today. I am not the last transgender student who will ever be at Gloucester High School. I’m not the first who has ever been. This is a civil right issue, and I will stand up not only for my own rights, but the rights of every transgender student who will ever have to face this issue, both in Gloucester and the nation.”

School Board Chairman Randy Burak admitted there is concern about a federal lawsuit, but he feels the board did what was in the best interest for all the students.

“I think, right now, you’ve heard a lot of the sides of the issue,” Burak said. “Whenever there is litigation nobody wins, and I think this is the beginning of something that will be talked about much more in the future.”

After the vote, the ACLU of Virginia denounced the school board for what it called a “discriminatory policy.” The



Know Your Rights: Title IX Requires Your School to Address Sexual Violence*

Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual violence—in educational programs and activities. All public and private schools, school districts, colleges and universities receiving federal funds must comply with Title IX. If you have experienced sexual violence, here are some things you should know about your Title IX rights:

Your School Must Respond Promptly and Effectively to Sexual Violence

- You have the right to report the incident to your school, have your school investigate what happened, and have your complaint resolved promptly and equitably.
- You have the right to choose to report an incident of sexual violence to campus or local law enforcement. But a criminal investigation does not relieve your school of its duty under Title IX to respond promptly and effectively.
- Your school must adopt and publish procedures for resolving complaints of sex discrimination, including sexual violence. Your school may use student disciplinary procedures, but any procedures for sexual violence complaints must afford you a prompt and equitable resolution.
- Your school should ensure that you are aware of your Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.
- Your school must designate a Title IX coordinator and make sure all students and employees know how to contact him or her. The Title IX coordinator should also be available to meet with you.
- All students are protected by Title IX, regardless of whether they have a disability, are international or undocumented, and regardless of their sexual orientation and gender identity.

Your School Must Provide Interim Measures as Necessary

- Your school must protect you as necessary, even before it completes any investigation. Your school should start doing this promptly once the incident is reported.
- Once you tell your school about an incident of sexual violence, you have the right to receive some immediate help, such as changing classes, dorms, or transportation. When taking these measures, your school should minimize the burden on you.
- You have the right to report any retaliation by school employees, the alleged perpetrator, and other students, and your school should take strong responsive action if it occurs.

Your School Should Make Known Where You Can Find Confidential Support Services

- Your school should clearly identify where you can go to talk to someone confidentially and who can provide services like advocacy, counseling, or academic support. Some people, such as counselors or victim advocates, can talk to you in confidence without triggering a school's investigation.

* This document outlines your rights under Title IX. You may have additional rights under other federal and state laws.



Your School Should Make Known Where You Can Find Confidential Support Services (cont.)

- Because different employees have different reporting obligations when they find out about sexual violence involving students, your school should clearly explain the reporting obligations of all school employees.
- Even if you do not specifically ask for confidentiality, your school should only disclose information to individuals who are responsible for handling the school's response to sexual violence. Your school should consult with you about how to best protect your safety and privacy.

Your School Must Conduct an Adequate, Reliable, and Impartial Investigation

- You have the right to be notified of the timeframes for all major stages of the investigation.
- You have the right to present witnesses and evidence.
- If the alleged perpetrator is allowed to have a lawyer, you have the right to have one too.
- Your school must resolve your complaint based on what they think is more likely than not to have happened (this is called a preponderance-of-the-evidence standard of proof). Your school cannot use a higher standard of proof.
- You have the right to be notified in writing of the outcome of your complaint and any appeal, including any sanctions that directly relate to you.
- If your school provides for an appeal process, it must be equally available for both parties.
- You have the right to have any proceedings documented, which may include written findings of fact, transcripts, or audio recordings.
- You have the right not to "work it out" with the alleged perpetrator in mediation. Mediation is not appropriate in cases involving sexual assault.

Your School Must Provide Remedies as Necessary

- If an investigation reveals that sexual violence created a hostile environment, your school must take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Appropriate remedies will generally include disciplinary action against the perpetrator, but may also include remedies to help you get your education back on track (like academic support, retaking a class without penalty, and counseling). These remedies are in addition to any interim measures you received.
- Your school may also have to provide remedies for the broader student population (such as training) or change its services or policies to prevent such incidents from repeating.

If you want to learn more about your rights, or if you believe that your school is violating federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at <http://www.ed.gov/ocr/complaintintro.html>.

<http://www.msnbc.com/msnbc/transgender-students-protected-under-title-ix>

Transgender students protected under Title IX, DOE says

04/30/14 04:09 PM—Updated 04/30/14 04:15 PM

By Emma Margolin

Tucked away in a document on reducing sexual assault at school – part of an unprecedented effort by the Obama administration to address such abuse – the Department of Education included a historic guideline extending federal civil rights protections to transgender students on Tuesday.

Title IX – the civil rights law that prohibits sex discrimination in federally funded education programs and activities – also bars discrimination on the basis of gender identity, announced the Department of Education’s Office for Civil Rights, marking a major victory in the fight to codify LGBT protections into federal law.

“Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation,” reads the 46-page document. “Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a school’s obligations. Indeed, lesbian, gay, bisexual, and transgender (LGBT) youth report high rates of sexual harassment and sexual violence. A school should investigate and resolve allegations of sexual violence regarding LGBT students using the same procedures and standards that it uses in all complaints involving sexual violence.”

Though aimed at clarifying how Title IX relates to sexual violence, the guidance carries far broader implications. **LGBT advocates note that transgender students will not just be explicitly protected from physical or sexual abuse under Title IX, but from all forms of discrimination in education.**

“It certainly would be our view that transgender students should be given the ability to participate in sex segregated activities, like sports teams, consistent with their gender identity,” said Ian Thompson, legislative representative at the American Civil Liberties Union, to msnbc. “Failure on part of the school to allow that would be discrimination against that student.”

The Department of Education’s guidance builds off numerous court decisions and a 2012 opinion by the Equal Employment Opportunity Commission (EEOC) that gender identity discrimination falls under sex discrimination, which is barred by Title VII of the 1964 Civil Rights Act. Two other areas of federal law that explicitly protect individuals on the basis of gender identity and sexual orientation include hate crime legislation (the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act) and domestic violence legislation (the Violence Against Women ACT.)

However, in other areas areas of daily life – including housing and employment, for example – LGBT individuals remain vulnerable.

“There’s clearly a tremendous amount of work still to be done,” said Thompson. “The important point is in the absence of explicit protections in federal statutes.”

While the Department of Education’s document on sexual violence is a good start, the ACLU would now like to see OCR follow up with a comprehensive explanation on how Title IX protects transgender students from discrimination, and what steps schools should take to be in line with that law. Additionally, said Thompson, Congress should pass the Student Non-Discrimination Act to fully guarantee explicit nondiscrimination protections based on sexual orientation and gender identity in public K-12 schools.

“This guidance is very helpful, and having OCR take this position with respect to Title IX is very significant,” said Thompson. “But it should not be read as a substitution for explicit sexual orientation and gender identity nondiscrimination protections being put into place with a federal statute.”

Title IX: The Basics

9 THINGS TO KNOW ABOUT TITLE IX

1. Title IX is a landmark federal civil right that prohibits sex discrimination in education.
2. Title IX does not apply to female students only.
3. Schools must be proactive in ensuring that your campus is free of sex discrimination.
4. Schools must have an established procedure for handling complaints of sexual discrimination, harassment, or violence.
5. Schools should ensure that a victim doesn't have to share spaces, such as dorms, classes and campus jobs, with his or her assailant.
6. Schools may not retaliate against someone filing a complaint and must keep a complainant-victim safe from other retaliatory harassment or behavior.
7. Schools can issue a no-contact directive under Title IX to prevent the accused student from approaching or interacting with you.
8. In cases of sexual violence, schools are prohibited from encouraging or allowing mediation (rather than a formal hearing) of the complaint.
9. Schools cannot discourage you from continuing your education.

www.knowyourIX.com 

1. Title IX a landmark federal civil right that prohibits sex discrimination in education. Title IX is not just about sports; it is a prohibition against sex-based discrimination in education. It addresses discrimination against pregnant and parenting students and women in STEM (science, technology, engineering, and math) programs. It also addresses sexual harassment, gender-based discrimination, and sexual violence. Sexual violence includes attempted or completed rape or sexual assault, as well as sexual harassment, stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, and intimate partner violence.

2. Title IX does not apply to female students only. Title IX protects any person from sex-based discrimination, regardless of their real or perceived sex, gender identity, and/or gender expression. Female, male, and gender non-conforming students, faculty, and staff are protected from any sex-based discrimination, harassment or violence.

3. Schools must be proactive in ensuring that your campus is free of sex discrimination. You are protected under Title IX even if you do not experience sex discrimination directly. Schools must take immediate steps to address any sex discrimination, sexual harassment or sexual violence happening on campus to prevent it from affecting students further. If a school knows or reasonably should know about discrimination, harassment or violence that is creating a "hostile environment" for any student, it must act to eliminate it, remedy the harm caused and prevent its recurrence.

4. Schools must have an established procedure for handling complaints of sex discrimination, sexual harassment or sexual violence. Every school must have a Title IX Coordinator who manages complaints. The Coordinator's contact information should be publically accessible on the school's website. If you decide to file a complaint, your school must promptly investigate it regardless of whether you report to the police, though a police investigation may very briefly delay the school's investigation if they are gathering evidence. A school may not wait for the conclusion of a criminal proceeding and should conclude its own investigation within a semester's time (the 2011 Title IX Guidance proposes 60 days as an appropriate timeframe). The school should use a "preponderance of the evidence" standard to determine the outcome of a complaint, meaning discipline should result if it is more likely than not discrimination, harassment or violence occurred. The final decision should be provided to you and the accused in writing and both of you have the right to appeal the decision.

5. Schools must take immediate action to ensure a complainant-victim can continue their education free of ongoing sex discrimination, sexual harassment or sexual violence. Along with issuing a no contact directive to the accused, a schools must ensure any reasonable changes to your housing, class or sports schedule, campus job, or extracurricular activity and clubs are made to ensure you can continue your education free from any ongoing sex discrimination, sexual harassment or sexual violence. These arrangements can occur BEFORE a formal complaint, investigation, hearing, or final decision is made regarding your complaint. It also can CONTINUE after the entire process since you have a right to an education free of sex-based discrimination, harassment or violence. Additionally, these accommodations should not over-burden complainant-victims or limit your educational opportunities. Instead, schools can require the accused to likewise change some school activities or classes to ensure there is not ongoing hostile educational environment.

6. Schools may not retaliate against someone filing a complaint and must keep a complainant-victim safe from other retaliatory harassment or behavior. Schools must address complaints of sex discrimination, sexual harassment and sexual violence. As part of this obligation they can issue a no contact directive or make other accommodations to ensure the accused or a third party does not retaliate for any complaint. Additionally, the school may not take adverse action against the complainant-victim for their complaint. Any retaliation can and should be reported in a formal Title IX complaint to the U.S. Department of Education since it is your right to be free from a hostile educational environment.

7. Schools can issue a no contact directive under Title IX to prevent the accused student from approaching or interacting with you. When necessary for student safety, schools can issue a no contact directive preventing an accused student from directly or indirectly contacting or interacting with you. Campus security or police can and should enforce such directives. This is not a court-issued restraining order, but a school should provide you with information on how to obtain such an order and facilitate that process if you choose to pursue it.

8. In cases of sexual violence, schools are prohibited from encouraging or allowing mediation (rather than a formal hearing) of the complaint. The 2011 Title IX Guidance clearly prohibits schools from allowing mediation between an accused student and a complainant-victim in sexual violence cases. However, they may still offer such an alternative process for other types of complaints, such as sexual harassment. Realize it is your choice and you can and should seek a disciplinary hearing if you desire such a formal process. Schools are discouraged from allowing the accused to question you during a hearing. If your school allows that, consider getting a nonprofit attorney or other legal advocate to help you through the process and/or file a Title IX complaint with the U.S. Department of Education about that schools hearing process.

9. Schools cannot discourage you from continuing your education. Title IX is a positive right to be free of a hostile environment in order to protect your access to education. You have a right to remain on campus and have every educational program and opportunity available to you. Schools may not discourage you from continuing your education, such as telling you to “take time off” or force you to quit a team, club or class. You can always file a formal Title IX complaint with the U.S. Department of Education or seek legal counsel to enforce your right to education under Title IX. It is your choice how to handle sexual harassment or violence, but realize you have a right to your education and the school **MUST** adjust to ensure you can continue free from that hostile environment.

—Dana Bolger

Although these resources have been written with the guidance of legal experts, we are not lawyers, and the information on this website does not constitute legal advice. We encourage you to contact a lawyer to discuss your complaint or suit.



Facts: Gay and Lesbian youth *in schools*

- ▶ Five to six percent of American students are lesbian, gay, bisexual or transgendered (LGBT)¹ — a conservative estimate means there are 2.25 to 2.7 million school-age LGBT youth.²
- ▶ Recent studies show the average age for a gay or lesbian youth to come out is now 16-years-old — down from earlier studies showing the average age at 19 to 23 years old.³

FACING VERBAL AND PHYSICAL HARASSMENT:

A national survey of LGBT students conducted in 2003⁴ found that, within the past year:

- ▶ 77.9% heard remarks such as “faggot” or “dyke” frequently or often at school (similar studies have shown that the average high school student hears such epithets 25 times a day);
 - 18.8% heard similar remarks from faculty or school staff at least some of the time;
 - 82.9% reported that faculty or staff never or only sometimes intervened when they were present when such remarks were made.
- ▶ 84% personally had been verbally harassed at school (that is, called names or threatened) because of their sexual orientation;
- ▶ 65.3% had been sexually harassed (e.g., inappropriately touched or subjected to sexual comments);
- ▶ 39.1% had been physically harassed (by being shoved or pushed) and 17% had been assaulted (by

being punched, kicked or injured with a weapon) at school because of their sexual orientation;

- ▶ 27.1% had been physically harassed because of their gender expression; 11.5% had been assaulted on that basis;
- ▶ 64.3% felt unsafe in their school because of their sexual orientation;
- ▶ LGBT youth of color and female students face abuse often compounded by racism and sexism:
 - 44.7% of LGBT students of color reported being verbally harassed because of both their sexual orientation and their race or ethnicity;
 - 50% of lesbian and bisexual young women reported being verbally harassed.

Other state-focused studies found that:

- ▶ LGBT youth are 7 times more likely than other students to be threatened or injured with a weapon at school.⁵

(continued)

(Fact sheet continued)

EFFECTS OF HARASSMENT AND VIOLENCE:

- ▶ Gay youth are 4½ times more likely than non-gay peers to skip school because they feel unsafe;
 - 31% of gay students had missed at least an entire day of school in the past month because they felt unsafe based on their sexual orientation;
- ▶ Nearly one-third of LGBT students drop out of high school to escape the violence, harassment, and isolation they face there — a dropout rate nearly three times the national average;
- ▶ LGBT students are far more likely than their non-gay peers to run away from home, to experience academic problems, and to struggle with substance abuse, low self-esteem, and depression;
- ▶ Gay youth are 4 times as likely than their non-gay counterparts to have attempted suicide.

1. See National Longitudinal Study of Adolescent Health (2001), available at <<http://www.cpc.unc.edu/addhealth>>.

2. Human Rights Watch, Hatred in the Hallways, *supra* note 6 at 24-25.

3. Catlin Ryan and Donna Futterman, "Lesbian & Gay Youth: Care and Counseling" *Adolescent Medicine: State of the Art Reviews*, vol. 8, no. 2, 1997, p. 207-374

4. Office of Public Policy of the Gay, Lesbian and Straight Education Network ("GLSEN"), *National School Climate Survey (2003)*, available at <http://www.glsen.org>. This study surveyed a sample of 887 LGBT students from 48 states and the District of Columbia.

5. Studies released between 1995-97 by the Massachusetts Department of Education and the Vermont Department of Health



Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgendered people, and people with HIV or AIDS through impact litigation, education, and public policy work.

Lambda Legal Defense & Education Fund

www.lambdalegal.org

National Headquarters

120 Wall Street
 Suite 1500
 New York, NY 10005-3904
 tel 212 809-8585
 fax 212 809-0055

Western Regional Office

6030 Wilshire Boulevard
 Suite 200
 Los Angeles, CA 90036-3617
 tel 323 937-2728
 fax 323 937-0601

Southern Regional Office

1447 Peachtree Street, NE
 Suite 1004
 Atlanta, GA 30309-3027
 tel 404 897-1880
 fax 404 897-1884

Midwest Regional Office

11 East Adams
 Suite 1008
 Chicago, IL 60603-6303
 tel 312 663-4413
 fax 312 663-4307

South Central Regional Office

3500 Oak Lawn Avenue
 Suite 500
 Dallas, TX 75219-6722
 tel 214 219-8585
 fax 214 219-4455

www.hrc.org (human rights campaign)

HOW THIS STATE RATES ON THE ISSUES

HOUSING LAWS

This state does not support

State does not prohibit housing discrimination based on sexual orientation and gender identity.

SECOND PARENT ADOPTION

This state does support

Second-parent or step-parent adoption is an option for same-sex couples statewide.

JOINT ADOPTION

This state does support

Joint adoption is an option for same-sex couples statewide

EMPLOYMENT LAWS

This state does not support

State does not prohibit employment discrimination based on sexual orientation and gender identity.

MARRIAGE EQUALITY

This state does support

State issues marriage licenses to same-sex couples.

MARRIAGE PROHIBITIONS

This state does not support

State does not have a constitutional amendment restricting marriage to one man and one woman.

HATE CRIMES LAWS

State partially supports

State has a law that addresses hate or bias crimes based on sexual orientation only.

PUBLIC ACCOMMODATIONS LAWS

This state does not support

State does not prohibit discrimination in public accommodations based on sexual orientation and gender identity.

ANTI-BULLYING LAWS

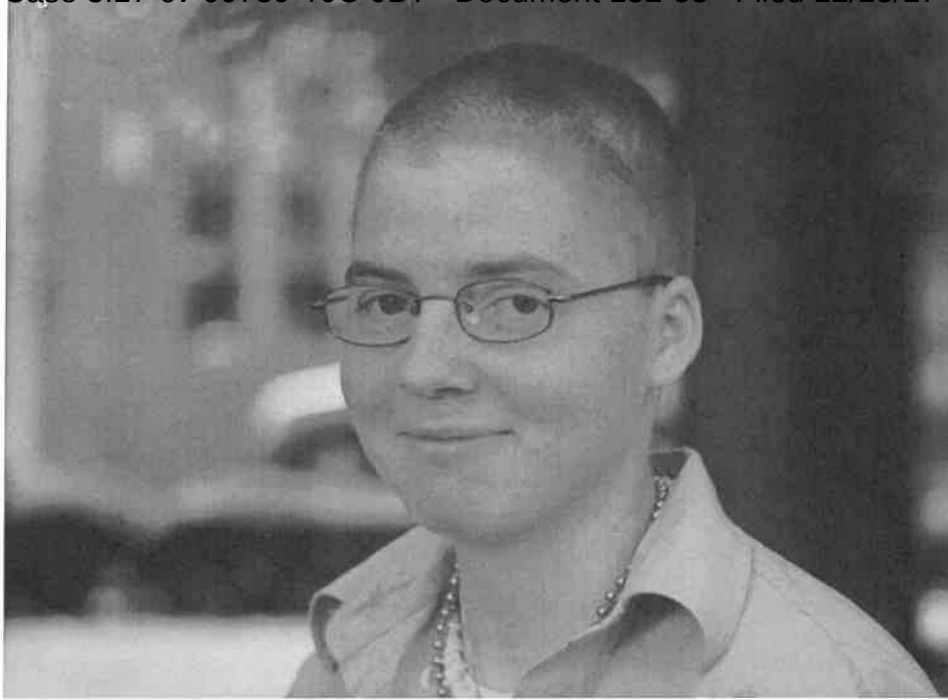
This state does not support

State does not have a law that addresses harassment and/or bullying of students based on sexual orientation and gender identity.

SCHOOL LAWS

This state does not support

State does not have a law that addresses discrimination against students based on sexual orientation and gender identity.



Out, Safe & Respected
Your rights at school

Stand Up for **YOUR RIGHT TO BE SAFE**

IF YOU'VE BEEN A VICTIM OF VIOLENCE OR HARASSED AT SCHOOL, OR IF YOU FEAR FOR YOUR SAFETY, HERE ARE SOME THINGS YOU CAN DO TO PROTECT YOURSELF:

TALK TO SOMEONE YOU CAN TRUST

Ask for help.

HAVE A SAFETY PLAN

This might mean, for example, finding a different way to walk home from school, arranging for a ride home, or carrying a cell phone or money to make an emergency phone call.

KEEP A WRITTEN RECORD ABOUT THE PROBLEMS YOU ARE FACING AT SCHOOL

Be sure to include details about what happened, the people who were involved, where and when the incident took place and whether there were any witnesses.

REPORT ALL HARASSMENT AND ABUSE TO THE SCHOOL PRINCIPAL

Counselors and teachers can be helpful, too, but they are not always legally required to take action to the same extent as the principal. Reporting to the school principal is the key. Put your reports and complaints in writing, and keep a file with copies of all documents you send and receive.

FILE A COMPLAINT

Follow school complaint procedures. Schools that receive federal financial assistance are required by federal law to have complaint procedures. If you experience serious threats or physical assault, you may make reports to local police, as well.

REPORT "UP THE LADDER"

Give the school principal a reasonable amount of time to address your complaint, but if no helpful action is taken, then take your complaint to the superintendent or school board.



© Lisa Ross

Nancy Wadington Took Action

STAND UP FOR YOUR RIGHT TO BE SAFE

TAKING ACTION:

Nancy Wadington

Nancy Wadington endured antigay abuse at her high school in southern New Jersey until the middle of 11th grade, when she had to leave school to protect her safety. In a lawsuit Lambda Legal filed on her behalf against school officials, Nancy asserted that she suffered verbal and physical attacks from other students over a two and a half year period. And in an effort to avoid the attacks, she stayed out of the hallways, walked around the outside of the school building to get to her next class, and stopped using the school bathrooms, which led to abdominal pain during class. Under New Jersey's Law Against Discrimination, school officials that know or should know about discriminatory abuse must take effective remedial action. After a mediation, school officials agreed to mandatory training for administrators, faculty, and staff, and to pay Nancy an amount as long as she kept it confidential.

IF NECESSARY, CONSIDER ANONYMOUS REPORTS

Generally, it is important to identify yourself when you make a complaint, because you are more likely to receive protection and because the school is more likely to have a legal obligation to protect you if administrators know you have been mistreated. But if you feel strongly that you can't identify yourself, send an anonymous report of harassment to the principal. The report could identify particular harassers at your school or describe your school's harassment problem more generally. You might also ask a trusted adult, like a counselor, to tell the principal without using your name that harassment is a problem at the school. Many schools have procedures for anonymous reporting. Always keep copies of your reports or reports filed on your behalf.

REPORT HARASSMENT EVEN IF YOU DON'T KNOW WHO THE HARASSERS ARE

It is important to make the principal aware that harassment is taking place, even if you are unable to identify the harassers. As always, report incidents in writing, and keep a copy of the report for yourself.

SPEAK UP IF THE HELP ISN'T ACTUALLY HELPFUL

If your school attempts to stop the harassment but fails, don't give up. Talk to the principal and other adults at school about other ways the school could respond. At a minimum, report to the principal that the school's efforts are not working.

BE READY WITH SOLUTIONS, IF YOU CAN

Talk with Lambda Legal or other supportive organizations for resources and ideas. Then share these ideas each time you make a complaint.

CONTACT ORGANIZATIONS THAT TRAIN STAFF, FACULTY AND STUDENTS ABOUT HOMOPHOBIA, TRANSPHOBIA AND VIOLENCE IN SCHOOLS

These organizations may have information and materials that can help you make a complaint or advocate for training around these issues at your school.

KNOW YOUR RIGHTS

See our "Protections Against Discrimination and Harassment" insert for general information about students' rights. For more detailed information, visit Lambda Legal's website or call Lambda Legal's Help Desk. If your school does not respond in a helpful way to your reports of harassment, contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org.

So you wanna START A GSA

A GAY-STRAIGHT ALLIANCE, OR GSA, IS A CLUB FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING STUDENTS AND STRAIGHT ALLIES.

There are lots of different kinds of GSAs. GSAs can be social clubs (some GSAs host dances and movie nights), support groups (some GSAs provide a safe place for LGBTQ students and their allies to talk about problems), educational outposts (some GSAs organize guest speakers or create displays for National Coming Out Day) or advocacy groups (some GSAs participate in GLSEN's National Day of Silence or push for sexual orientation and gender identity to be added to their school's nondiscrimination policy).

Talk with your friends, reach out to other students and decide what you'd like your GSA to focus on. There are more than 3,000 GSAs in schools nationwide, and there is lots of information available about forming a GSA. No matter what its focus is, your GSA can play an important role in addressing homophobia and anti-transgender discrimination and can help create a safe space for LGBTQ students. Read on to learn about the basics of forming a GSA.

YOUR LEGAL RIGHT TO FORM A GSA

In public secondary schools, GSAs can't be discriminated against or held to different standards than other student clubs -- it's the law. Under a federal law called the Equal Access Act, secondary schools that receive federal money and allow meetings of other noncurricular student clubs (which means clubs that don't directly relate to classes at your school) are prohibited from discriminating against any student group based on its viewpoint. The Constitution's free speech clause also provides protection to student organizations, including GSAs. Lambda Legal and other civil rights organizations have successfully



SO YOU WANNA START A GSA

gone to court on behalf of students against a number of school districts — in California, Florida, Georgia, Indiana, Kentucky, Minnesota and Utah — that have broken the law by refusing to allow GSAs to meet on the same terms as other groups. These successful lawsuits make it more likely that schools will live up to their legal obligations.

Public secondary schools are covered by the Equal Access Act if they allow even one noncurricular club to meet at the school. If your school is covered (most public secondary schools are), then you have a legal right to form a GSA and a legal right to have that GSA be treated just like other student clubs at your school. So, if other clubs at your school are allowed to post displays on the bulletin boards, make announcements and use classrooms for meetings, your GSA can too.

Some schools have tried to prevent GSAs from forming by requiring students to get their parents' permission to join a club. But even if these parental consent rules are supported by the local school board or by state law, the Equal Access Act requires that the rules be evenhandedly applied to all student groups. In other words, schools can't single out GSAs for stricter membership rules.

GETTING STARTED

FIND OUT HOW TO START A CLUB IN YOUR SCHOOL

Different schools have different rules for clubs. Always follow the rules — if you don't, it can be used as an excuse to discriminate against your group. Look in your student handbook, talk to a student government rep or ask a school administrator to guide you on your school's regulations and policies. Be sure to find out if you'll need written permission to start the club or whether you'll need to get a teacher or school advisor to come to the meetings. You may also need to register with the school administration or write a constitution or mission statement.

DO SOME RESEARCH

Find out if other schools in your area have GSAs, and call or email their advisors or leaders. (For an up-to-date list of GSAs across the country, visit the Gay, Lesbian and Straight Education Network at www.glsen.org.) Also try to determine how safe it is for students to be out at your school. This will help you arrange an appropriate meeting place and determine the safest ways to let people know about the group.

FIND A PLACE TO MEET

In general, you'll want to find a place that is private and relatively quiet. Some students might feel a little afraid or uncomfortable about attending a meeting. They may worry that others will harass them if they join the group. As you know, homophobia and transphobia are still a reality in many schools, and that should be taken into account when selecting a meeting space. Whether you decide to meet in a classroom or away from the school entirely, the meeting space must make GSA members feel safe.

SPREAD THE WORD

At first you may want to advertise the GSA by word of mouth only, so you won't be bothered by people who might not be supportive of the group. Tell LGBT-friendly teachers, guidance counselors, school social workers and the school nurse. They may know other students who are interested in attending the meeting and may be in a position to encourage them to go. They might also want to come to a meeting as a guest speaker or serve as the club's advisor. Tell anyone else you think will be helpful or who can let other students know about the GSA. Try to identify at least a couple of students who you know will attend the first meeting.

SO YOU WANNA START A GSA

TAKING ACTION:

Anthony Colín

When Anthony Colín founded the gay-straight alliance in his Southern California high school, he had no idea that he'd have to battle to keep it. First the school board denied the GSA's application to become a recognized student club. This meant that the GSA couldn't have meetings at the school like other student clubs could. Then the school board told the students involved in the GSA that it would only reconsider the group's application if the group changed its name. With Lambda Legal's help, Anthony and his friends sued the school district. The GSA won the right to meet while the lawsuit proceeded and ultimately won the right to meet at the school, use the school's public address system to make announcements and be featured in the school yearbook, just like other student clubs.

HOLD THE FIRST MEETING

Have snacks. Food can help break the ice and may encourage students who were "just stopping by" to stay. Once people have settled in, begin with introductions and a discussion of why you organized the meeting. Share any information you've learned about GSAs in your area. Before deciding on your goals, give everyone a chance to talk about why they came and what they would like the GSA to do. Many groups establish ground rules over their first few meetings. At a minimum, everyone at the meeting should agree to confidentiality and respect.

Don't be too discouraged if the first meeting is not well attended or if it doesn't go exactly as you planned. Getting even a few people in the room is a victory! It may take a few meetings for more people to feel comfortable attending and for the group to really get established. Anyone who does come can help spread the word for the next meeting.

STAY IN TOUCH

Find a way to keep in touch with everyone. Be sure to collect email addresses or phone numbers and to set the next meeting date.

ASK FOR VOLUNTEERS

Keeping a club going can be a lot of work. One way to address this challenge is to get others involved in sharing responsibilities right from the start. You may want to select co-chairs or form committees, so more people can be responsible for keeping the group going.

For help forming a GSA at your school, contact the Gay, Lesbian and Straight Education Network (GLSEN) at 212-727-0135 or studentorganizing@glsen.org.

If your school isn't allowing your GSA to meet, or if you have other questions about your legal rights, contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org.

Are you an ALLY?

AN ALLY IS SOMEONE WHO ACTIVELY SUPPORTS LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING (LGBTQ) PEOPLE AND WORKS SIDE BY SIDE WITH THEM TO ACHIEVE EQUALITY.

Allies can be anyone: a straight student who sticks by a friend who is questioning his gender identity, a teacher who serves as an advisor for a gay-straight alliance (GSA), parents who find ways to promote respect for diversity in their child's school or a counselor who is committed to making sure that LGBTQ issues are heard. By taking steps to be visibly supportive of LGBTQ students and their rights, allies can play a critical role in stopping and even preventing harassment and discrimination against LGBTQ students in school, ensuring that schools are safe for everybody. The 2005 National School Climate survey, conducted by the Gay, Lesbian and Straight Education Network (GLSEN), found that students at schools with higher numbers of supportive faculty and staff members were less likely to report that they felt unsafe and were less likely to miss school because of their sexual orientation or gender expression. Students in schools with a GSA were also likelier to feel safe, to feel that they belonged, and thus had higher attendance rates than students in schools with no such clubs.



© Lisa Ross

Cheryl Bachmann Botsolas
Took Action

ARE YOU AN ALLY?

STUDENTS

Student allies are especially important because they often have an influence on the behavior of their peers. By befriending someone who is lesbian, bisexual, transgender or questioning, being active in an LGBTQ-friendly club, objecting to antigay jokes and slurs or advocating for fair policies in schools, straight student allies can set a positive tone of acceptance and may encourage other students to be allies. Some LGBTQ students might be hesitant to come out for fear of facing antigay harassment, or as a member of a minority, might want support in numbers when addressing administrators and teachers. As a straight ally, you can help your LGBTQ peers by adding your vocal and visible support, and sometimes by speaking up for those who may not yet be able to act on their own.

FACULTY AND STAFF

Adult allies who work in schools can be especially helpful, as they often have power to take action on behalf of students. Teachers and counselors can take the lead by posting or announcing rules on behavior in the classroom that include a no-tolerance policy for antigay language and harassment. In addition, when allies reference the work of LGBT people in lessons where appropriate, LGBTQ students are likelier to feel respected and understood, and all students gain the benefits of an inclusive curriculum.

Lambda Legal represented two teachers in Michigan — one in a middle school and the other in a high school — who insisted on including LGBT people in educational messages of diversity and respect, even though some school administrators objected. Both teachers had created displays for LGBT History Month that commemorated the historical role of lesbians and gay men and addressed antigay harassment. At first, the school's interim superintendent ordered them to take down the displays, but Lambda Legal helped these teachers fight the school district and won the right to make this important information available to students. The Michigan case supports all teachers who seek to create a safer learning environment by including LGBT people in educational messages.

LGBT-RELATED CLASS LESSONS

Schools can do great work to support students of all sexual orientations and gender identities through high-quality, accurate curricula and classroom teaching. In general, schools have the legal right to choose, create and teach accurate curricula. You can speak to officials at your school and school board about the importance of LGBT-inclusive curricula.

Sometimes, though, opponents target strong health curricula or lessons on tolerance that teach the facts about being LGBT.

If your school offers good lessons in the classroom that come under attack, you can contact Lambda Legal to find out more about promoting and protecting curricula that address LGBT issues.

ARE YOU AN ALLY?

PARENTS

Parents can make a huge difference by providing support to individual LGBTQ students and advocating for just policies and practices in schools. In a world where many, if not most, LGBTQ students experience harassment and discrimination, knowing they have their own or another parent on their side can make all the difference. Whether or not their own child is LGBTQ, parents can often be the strongest and most effective advocates for LGBTQ students. Often, school administrators hear from parents who want to limit the rights of LGBT students, so it's even more important for all parents who support LGBTQ youth to make sure their voices are also heard.

There are many things adults and young people can do as allies to help LGBTQ students feel safe, included and respected at schools across the country. Lambda Legal has been working with social workers around the country to make sure materials like this toolkit are made available to students. The first step is to commit to fighting discrimination against LGBTQ students and to making your school a safe place for everyone. The next step is to get involved.

While it is sometimes safer for straight allies to take a stand for LGBT rights, being an ally does not come without its own challenges. Allies too can experience harassment or discrimination because they stand up for LGBT rights or because they are perceived to be LGBTQ. As you make decisions about how you can best be effective as an ally, be aware that taking action against homophobia and discrimination may involve some level of risk, especially if you are addressing an ongoing problem at your school. If you have concerns about your safety or security, taking action along with others might provide you with more safety. If you encounter discrimination, please contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org for more information and assistance.

TAKING ACTION:

Cheryl Bachmann Botsolas

Cheryl Bachmann Botsolas is a high school teacher in New Jersey. She taught history for three years and received terrific reviews from her students and supervisors, and the school administration recommended her for tenure. Soon after the tenure recommendation, Botsolas disciplined two of her students for using antigay slurs in the classroom. One of the students lashed out at the teacher, threatening her life. As a responsible teacher and ally, Botsolas was promoting a "zero-tolerance" policy against harassment in her classroom. Nonetheless, Botsolas' tenure recommendation was revoked — with the effect that she was fired. But Botsolas didn't back down, and with representation from Lambda Legal, challenged the decision at a school board hearing, supported by fellow teachers and students who spoke on her behalf. At the conclusion of the hearing, the school board voted to overturn the superintendent's decision to fire her — and restored Botsolas' tenure. Botsolas' commitment to maintaining a respectful classroom environment is a model for other educators and allies in ensuring the safety and well-being of LGBTQ students.

ARE YOU AN ALLY?

CHECK ANY OF THE FOLLOWING WAYS YOU CAN BE AN ALLY THIS YEAR

EVERYONE

- I will not make assumptions about people's sexual orientation or gender identity.
- I will publicly take a stand against homophobia, transphobia and anti-LGBT harassment and discrimination.
- I will speak out against the use of antigay slurs.
- I will be supportive of anyone who chooses to come out.
- I will attend LGBTQ events.
- I will educate myself about LGBTQ issues and the rights of LGBTQ students.
- I will wear or display LGBTQ-friendly buttons, stickers or posters.

STUDENTS

- I will help form a GSA.
- I will support friends in their decision to bring a same-sex date to the prom or other social events.
- If I witness anti-LGBT harassment or discrimination, I will report it in writing to the school principal.
- I will help advocate for my school to adopt and enforce a nondiscrimination policy that includes sexual orientation and gender identity.
- I will request books by LGBT authors and about LGBT people and issues for the school library.

FACULTY AND STAFF

- I will request books by LGBT authors and about LGBT people and issues for the school library.
- I will help advocate for my school to adopt and enforce a nondiscrimination policy that includes sexual orientation and gender identity.
- I will consider being an advisor for a GSA.
- I will make sure school events include everyone.
- I will make my classroom a safe space where antigay language is not tolerated.
- I will create an inclusive curriculum that highlights the contributions of LGBT individuals.
- I will create displays and/or lesson plans about LGBT History Month.

PARENTS

- I will support my children and their friends who question their sexuality or identify as LGBT.
- I will be available to meet with school faculty and staff about these issues.
- I will help my children or their friends file complaints about discrimination or harassment.
- I will help organize events like celebrations for LGBT History Month.
- I will hold my child's school accountable for violating the school district's nondiscrimination policy or state laws.

If you've done any of these things, then you're already an ally — keep up the good work! If you haven't, now is a great time to start.

Take Action at **YOUR SCHOOL**

YOU CAN DO MANY THINGS TO INCREASE AWARENESS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING (LGBTQ) STUDENTS AND ISSUES AT YOUR SCHOOL.

Don't feel overwhelmed if you don't have a gay-straight alliance or an organized LGBTQ group to work with. You can easily start small (for example, give your English teacher a list of LGBT-themed books, or put up a display for LGBT History Month). Be creative. And remember — you have legal rights, but you should use them and insist that they are respected. Here are some ideas on how you can take action:

COMMEMORATE DAYS IN LGBT HISTORY

Make wallet-sized calendars with holidays on one side and famous people or events in LGBT history on the other (for example, the Stonewall riots, Harvey Milk's election or assassination or major civil rights court rulings like Lambda Legal's victory in *Lawrence v. Texas*, a sweeping decision on gay people's equal rights to liberty that marked a new era of legal respect for the LGBT community).



TAKE ACTION AT YOUR SCHOOL

INVITE SPEAKERS

Invite local activists or representatives from LGBT organizations to speak at your school.

HAVE AN EVENT

Host a movie night with one or two of your favorite films about LGBT issues or featuring LGBT characters.

WRITE ABOUT LGBT ISSUES

Write an article or column for your school newspaper on LGBT issues at your school. Or make a zine collective and self-publish your own writing and drawings about being LGBTQ.

READ AND LEARN ABOUT LGBT ISSUES

Organize a book club and plan to meet once a month after school to discuss a book by a lesbian, gay, bisexual or transgender author. Or just share one of your favorites with friends.

If you encounter discrimination, or have questions about your legal rights, please contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org for more information and assistance.

TAKING ACTION:
Alison Shea

When she joined Time Out Youth, an LGBTQ youth organization in Charlotte, North Carolina, Alison Shea was looking for a place where she could be herself without being judged or rejected. She found that place and then made sure that other LGBTQ young people would also find it when she signed up for Time Out Youth's billboard project. The idea was to place five billboards around Charlotte with the slogan "We are your gay youth." Realizing that the message would be far more powerful if it included photos of real LGBTQ young people, Alison and three other Time Out Youth members boldly appeared on the larger-than-life signs. For five weeks, the billboards stopped traffic throughout the city, promoting the visibility of LGBTQ youth and connecting them with a safe haven where they would find help, information and a welcoming community.

SAVE THE DATE

BE SURE TO KEEP TRACK OF THESE DAYS IN YOUR CALENDAR — THEY'RE GREAT TIMES TO SHOWCASE SOME OF THE IDEAS LISTED ABOVE.

FEB
12

NATIONAL FREEDOM TO MARRY DAY

Falling on Abraham Lincoln's birthday and just before Valentine's Day, Freedom to Marry Day combines the themes of equality and love, and builds support for marriage for same-sex couples and for LGBT civil rights in general. Visit www.freedomtomarry.org for more information.

in
APRIL

NATIONAL DAY OF SILENCE

A student-led day of action where those who support making anti-LGBT bias unacceptable in schools take a daylong vow of silence to recognize and protest discrimination and harassment against LGBTQ students and their allies. Visit www.dayofsilence.org for more information.

in
JUNE

PRIDE

Events (usually in June but vary in some places) include parades, marches, rallies, festivals and other activities celebrating LGBT people and culture and often commemorating notable events in LGBT history.

OCT
11

NATIONAL COMING OUT DAY

The day commemorates the first march on Washington by LGBT people in 1987 and is dedicated to promoting honesty and openness about being lesbian, gay, bisexual or transgender.

in
OCT

LGBT HISTORY MONTH

Modeled after Black History Month and Women's History Month, LGBT History Month is designed to promote the teaching of LGBT history in schools, as well as in LGBT communities and mainstream society.

in
NOV

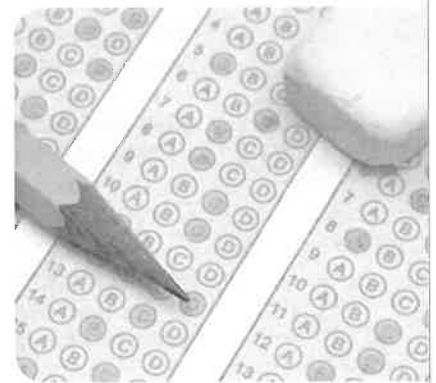
TRANSGENDER DAY OF REMEMBRANCE

The Transgender Day of Remembrance memorializes those who were killed due to anti-transgender hatred or prejudice.

How to NEGOTIATE WITH ADULTS

THERE ARE MANY REASONS TO MEET WITH TEACHERS, YOUR PRINCIPAL AND OTHER SCHOOL ADMINISTRATORS ABOUT LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING (LGBTQ) STUDENTS AND RELATED ISSUES.

You may want to start a GSA, participate in the Day of Silence or organize a "lunch and learn" program for other students and teachers who want to learn more about LGBTQ youth. You are the best judge of the climate at your school. You may want to start by talking with supportive teachers and building from there. Whenever possible, try to get another student or an adult ally to go with you to the meeting. Many schools have procedures for hearing complaints, and some have designated hours set aside for students to voice their issues or concerns. Find out what the policies are at your school before you attempt to arrange a meeting.



HOW TO NEGOTIATE WITH ADULTS

Most schools also have guidelines for handling student requests to organize clubs, activities or events. If you are planning to host an event like the Day of Silence (a daylong vow of silence to recognize and protest discrimination against LGBTQ students) or a Diversity Day (a day devoted to educational activities around issues like race, class, sex, sexual orientation and gender identity), chances are you will have to get approval from your principal or other administrators. When considering a student's request, a school must accommodate students' constitutional rights. At the same time, the First Amendment allows schools to restrict speech that is lewd, vulgar, indecent, or that substantially disrupts the work of the school or the rights of others students. In advocating for a Day of Silence or Diversity Day, be sure to stress that these events are expressive activities, protected by the Constitution, and that they will not disrupt the learning process or interfere with other students' constitutional rights.

The same principles apply when you are advocating for most LGBT rights and issues. Here are some other topics that might require a meeting with teachers and administrators:

- Forming a gay-straight alliance at your school
- Including sexual orientation or gender identity in your school's nondiscrimination policy
- Having a training on homophobia or LGBT issues

If you encounter discrimination, or have questions about your legal rights, please contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org for more information and assistance.

TAKING ACTION:

Aaron Fricke

Aaron Fricke asked Paul Guilbert to the prom — and Paul said yes. But Aaron's principal said no. Aaron knew he should be able to go to the prom like everyone else, and he filed a lawsuit. Not only did Aaron win the right to take Paul to the prom, but his school also had to provide enough security so that he and Paul would be safe. Aaron helped show that unless a school has reason to believe someone's date will cause a "substantial disruption," students must be allowed to go to the prom with the date of their choice. That was Rhode Island in 1980. Today the law still has power, thanks to Aaron.

HOW TO STRUCTURE THE MEETING

INTRODUCE YOURSELF AND THOSE WHO HAVE COME WITH YOU

Begin by stating who you are or what group you represent (for example, a gay-straight alliance).

BRIEFLY STATE THE PURPOSE OF THE MEETING

It may help to keep each meeting focused on a specific event, activity or problem rather than putting a wide range of issues on the table.

PROVIDE THE NECESSARY BACKGROUND

Explain how the event, activity or problem has been handled at other schools and anything in your school's history that might support the event (for instance, if your school celebrates Women's History Month, that's a good precedent for celebrating LGBT History Month).

PRESENT A CLEAR AND CONCISE ARGUMENT

Remember that your comments will be taken more seriously if you keep your tone professional and respectful and show that you've done your homework.

LISTEN TO ANY FEEDBACK AND/OR INITIAL RESPONSES

It's important to understand your school's position, whether administrators and teachers are eager to help you or not.

SUGGEST NEXT STEPS

Try to schedule another meeting while you have everyone there, and try to create a timeline for the school to make a decision.

DON'T FORGET TO SAY THANK YOU

Behaving with courtesy and respect will leave teachers and administrators thinking well of you, and more likely to help you.

*Protections Against
Discrimination
and Harassment:*
THE LAW IS ON YOUR SIDE

**SHARE THIS FACT SHEET WITH PARENTS, EDUCATORS
AND OTHER STUDENTS TO INFORM THEM ABOUT THE
RIGHT TO BE FREE FROM ANTI-LGBTQ DISCRIMINATION
AND HARASSMENT AT SCHOOL.**

This toolkit provides important information about general legal principles, but it is not legal advice. If you need information about how the laws described here apply to your particular situation, contact Lambda Legal.

THE CONSTITUTION

The Constitution guarantees all people, including LGBTQ people, "equal protection of the laws." State constitutions contain similar protections. This means that public schools can't single out LGBTQ students for negative treatment just because school officials disapprove of being gay or feel uncomfortable around people whose gender expression falls outside the norm. When it comes to peer conflicts and abuse, courts have made clear that the federal Constitution prohibits public schools from taking bullying and harassment any less seriously just because the targets are LGBTQ.

You don't have to be out to be protected under the Constitution from anti-LGBTQ discrimination. You don't even have to be LGBTQ. Discrimination based on *perceived* sexual orientation or gender identity violates your constitutional rights, as may discrimination based on your friendship, family relationship or other association with LGBTQ people.



© Sven Wiederholt

Derek Henkle Took Action

PROTECTIONS AGAINST DISCRIMINATION AND HARASSMENT: THE LAW IS ON YOUR SIDE

TITLE IX

A federal law called Title IX, which bans discrimination based on sex, protects students at schools that receive federal funds. Courts have agreed that the sex discrimination prohibited by Title IX not only includes discrimination for being a girl or boy, but also includes sexual harassment and discrimination for failing to conform to gender stereotypes. LGBTQ targets of sex discrimination and harassment have successfully relied on Title IX's protections in several court cases involving schools.

STATE LAWS

A growing number of states are taking additional steps to protect LGBTQ youth by explicitly including sexual orientation, gender identity, and gender expression in laws that protect against discrimination and harassment in schools. States can vary widely in how they structure, apply and enforce these laws, and you should consult Lambda Legal or a local attorney if you are facing discrimination and need more specific information about laws in your area.

Some of the strongest and most detailed safeguards exist in **California, Iowa, Maryland, New Jersey, and Vermont**. Laws in all of these states require local school boards to enact antiharassment policies that specifically include sexual orientation and gender identity/expression. The policies must allow for complaints and investigations, impose consequences for violations and protect students who report harassment from retaliation. Schools must also make sure students learn about these policies.

While laws in other states may not take the same form or go into the same detail, they may still protect against abuse and discrimination at school. For example, in addition to the states listed above, **Colorado, the District of Columbia, Illinois, Maine, Minnesota, Oregon, Rhode Island and Washington State** have laws barring discrimination against students based on sexual orientation and gender identity/expression. In **Connecticut, Massachusetts, New York, and Wisconsin**, state laws prohibit discrimination against students based on sexual orientation. At press time, the student protections in these last four states did not yet specifically reference gender identity or gender expression, but some courts have interpreted laws addressing sex discrimination to prohibit discrimination based on gender identity/expression.

Many other states have enacted antibullying laws without specifically mentioning (that is, without "enumerating") sexual orientation or gender identity/expression. But this doesn't mean that schools can ignore anti-LGBTQ bullying. Remember, Title IX covers all schools that receive federal funds (nearly all schools in the country), and the federal Constitution requires states to apply antibullying protections equally to all public school students.

PROTECTIONS AGAINST DISCRIMINATION AND HARASSMENT: THE LAW IS ON YOUR SIDE

TAKING ACTION:

Derek Henkle

From the age of 14, when Derek Henkle came out on public-access television, his life in the Nevada school system was a nightmare. "I would be spit on, punched and kicked," he remembers. "I was humiliated every day." School administrators and teachers stood by while other students harassed, threatened and physically assaulted Derek. One assistant principal actually laughed after students tried to tie Derek to a truck and drag him down the street. Rather than addressing the antigay harassment and violence, school administrators transferred Derek to other schools — as if he were the problem. At 16, Derek, who had been in a program for gifted and talented students since the fourth grade, was forced to resort to adult-education classes, where it was impossible to obtain a high school diploma. Derek fought back. He contacted Lambda Legal and with our help secured a precedent-setting court ruling recognizing the rights of gay students. After the ruling, the school district agreed to sweeping policy changes to protect students from harassment, a \$450,000 settlement payment, and put a letter in his academic file explaining why his education was cut short.

LOCAL LAWS AND SCHOOL DISTRICT POLICIES

Even if your state legislature hasn't specifically banned anti-LGBTQ discrimination and harassment in school, city ordinances and local school districts within your state may have done so. More and more communities — from small rural towns to large urban areas like Dallas, Miami-Dade, Nashville and Philadelphia — have enacted rules protecting students from discrimination and harassment based on sexual orientation and/or gender identity. Consult with a friendly school official, a local attorney or Lambda Legal to learn more.

PROTECT YOURSELF EVEN IF THE LAW IS SUPPOSED TO PROTECT YOU

Remember that school officials and employees sometimes don't know about, don't understand or simply refuse to comply with their legal responsibilities to address anti-LGBTQ discrimination and harassment. Even authorities in an area with strong protections written into the law might not respond in a helpful way to anti-LGBTQ

mistreatment at school. Take steps to protect yourself and to document and report bad treatment, no matter where you live. For more information, check out our "Stand Up for Your Right to Be Safe" insert.

And if you live in a state or city without specific protections against anti-LGBTQ discrimination and harassment, consider joining efforts to get a law or policy approved. For organizing tips, check out resources on GLSEN's website, www.glsen.org.

PRIVATE SCHOOLS

Private schools are often governed by a very different set of legal rules from those described above. If you have questions about what sorts of protections exist for private school students in your state, contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org.

Your SPEECH RIGHTS

YOU HAVE THE RIGHT:

- to voice your support for LGBTQ equality at school
- to wear T-shirts or distribute leaflets expressing LGBTQ-positive statements without censorship based on your opinion or viewpoint
- to hang posters, make announcements and hold meetings for LGBTQ-related groups on the same terms as other student organizations
- to write a column or article in a personal or student-led publication addressing LGBTQ issues without discrimination based on your LGBTQ-supportive ideas

Knowing your speech rights is important for everyone, but especially so for minority communities. LGBTQ students and students with LGBTQ family and friends may fear repercussions for speaking out against discrimination, face roadblocks in forming support groups or clubs, or worry about censorship when distributing written information to other students or putting up posters at school.

Sometimes we rely on our speech rights when we choose *not* to speak. Each year, on the student-led National Day of Silence, a project of the Gay, Lesbian & Straight Education Network (GLSEN), thousands of students around the country remain silent for all or part of the school day to call attention to harassment and discrimination faced by lesbian, gay, bisexual, transgender and questioning youth. Here are some facts about your rights to free speech in school. While we've used the Day of Silence as an example, the ideas here apply to a range of student expression.



Lisa Brandt and Tommy Ward
Took Action

**GLSEN'S DAY OF SILENCE:
THE FREEDOM TO SPEAK (OR NOT)**

**DO STUDENTS HAVE THE RIGHT TO PARTICIPATE
IN AND ADVOCATE FOR THE DAY OF SILENCE?**

In most circumstances, yes. Under the Constitution, public schools must respect students' right to free speech. The right to speak normally includes the right not to speak, as well as the right to wear buttons or T-shirts expressing support for a cause. Public school officials may not censor a student just because they disapprove of the student's ideas, because the student's speech makes them uncomfortable or because they want to avoid controversy.

There are some limits on free speech rights at school. For example, schools have some control over students' speech in the classroom or during other supervised, school-sponsored activities. If a teacher tells a student to answer a question during class, the student generally doesn't have a constitutional right to refuse to answer. Students who want to remain silent during class on the Day of Silence are less likely to encounter problems if they seek permission from their teachers beforehand. Outside of the classroom, in areas like hallways and cafeterias, students have a much broader right to free speech. Schools can't censor students unless they use lewd or foul language, promote illegal drug use, harass other students or substantially disrupt the school environment.

**DO STUDENTS HAVE A RIGHT TO DISPLAY
POSTERS AND MAKE ANNOUNCEMENTS ABOUT
THE DAY OF SILENCE?**

In many circumstances, yes. If a public school opens up an opportunity for student speech — for example, by allowing students or student organizations to display posters or make announcements on the public address system — the school may not create restrictions based on the message or viewpoint that students want to express. So if students are generally allowed to announce events and put up posters on school property, Day of Silence participants must be allowed to announce events and put up posters, too.

**CAN A SCHOOL JUSTIFY BANNING SPEECH
BY CLAIMING IT WILL BE DISRUPTIVE?**

If a public school wants to restrict student expression because it fears disruption, school officials have to show facts that reasonably lead them to believe that the speech will cause a substantial disruption to the school. A school can't just assume that the Day of Silence or speech related to it will disrupt the school.

And schools can't censor students just because other students might respond in a disruptive way. If students who disagree with a speaker's ideas create a disruption, the school can punish the disruptive students but can't punish the speaker. So, for example, if a Day of Silence participant puts up a poster and another student responds with name-calling and harassment, the solution must be to discipline the harasser and to protect, not censor, the Day of Silence participant.

**WHAT IF A SCHOOL SAYS IT HAS TO RESTRICT DAY
OF SILENCE ACTIVITIES SO COMMUNITY MEMBERS
WON'T THINK THE SCHOOL IS ENDORSING THE
EVENT?**

Schools have more control over student speech if other students or community members would reasonably believe the speech represents the school's own speech or viewpoint. For example, if a student helps write an official school publication, like a school newsletter, the school has some control over what the student says, because people reading the publication may think the school endorsed the student's expression. But this doesn't give the school the right to control what students express on their own, or what they express through means generally open for independent student expression at school, like posters and announcements when student groups are allowed to speak. Schools cannot discriminate against students based on their ideas in those contexts, because nobody could reasonably think that the student speech represents the school's speech. In the words of Supreme Court Justice Sandra Day O'Connor, "The proposition that schools do not endorse everything they fail to censor is not complicated."

YOUR SPEECH RIGHTS

TAKING ACTION:

Amber King, Tommy Ward and Lisa Brandt

Amber King, a middle school student in Central Florida, stood up to LGBTQ oppression by wearing a sign with "Join thousands," "Talk to teachers only!" "Have love!" and similar messages printed on it to support the Day of Silence. Amber's principal removed her from school that day, claiming her sign was "disruptive." In Southern California, Tommy Ward and Lisa Brandt, student leaders of their gay-straight alliance, were prohibited from putting up posters or making announcements to support the Day of Silence at their high school. Lambda Legal wrote letters to both school districts, demanding respect for the students' freedom of expression. In response, Tommy and Lisa's school lifted the restrictions in time for them to participate fully in the Day of Silence. Amber's school, which had sent her home on the Day of Silence, confirmed that she would be allowed to support the event in the future, without censorship based on her LGBT-supportive expression.

CAN A SCHOOL RESTRICT STUDENT SPEECH BECAUSE IT OFFENDS OTHER STUDENTS OR PARENTS?

No. So long as student expression isn't lewd or profane, and doesn't harass others, schools can't restrict it just because some students or parents find it offensive. As Supreme Court Justice William J. Brennan, Jr. wrote, "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

MORE QUESTIONS?

Check out www.lambdalegal.org/out-safe-respected for updated FAQ sheets about your free speech rights. For questions about legal issues related to the Day of Silence, you can also write to Lambda Legal's Help Desk at legalhelpdesk@lambdalegal.org, or call 1-866-542-8336 and ask for the Day of Silence Help Desk. For more information about the Day of Silence, including tips on how to organize your own Day of Silence at your school, visit www.dayofsilence.org.

(This document gives information on general legal principles only and is not intended as legal advice. For legal assistance, contact Lambda Legal's Help Desk, using the toll-free line or our other telephone numbers at the end of this guide.)

Your PROM

DURING PROM SEASON, MILLIONS OF HIGH SCHOOL STUDENTS ALL AROUND THE COUNTRY ARE BUSY FINDING THE RIGHT TUX, THE RIGHT DRESS, THE RIGHT DATE. IT'S THE BIGGEST PARTY OF THE YEAR FOR MANY STUDENTS, AND IF YOU DECIDE YOU WANT TO BE A PART OF IT, YOUR SEXUAL ORIENTATION OR GENDER IDENTITY SHOULD NOT BE A BARRIER.

In the 21st century, society has become significantly more exposed to, and oftentimes more accepting of, LGBT people. Years of activism have led to more positive portrayals of LGBT people in TV, film and other media outlets, which can sometimes help LGBTQ students feel comfortable being themselves and coming out. All of those factors have contributed to this generation of students being the most accepting and understanding of LGBTQ concerns yet.

That being said, many students still experience discrimination and roadblocks around prom time. You may worry that bringing a same-sex date or wearing an outfit that expresses your gender identity but doesn't fit within gender norms will make you a target for harassment by students or will be unwelcomed by your school administrators. Administrators or teachers may misguidedly try to bar you from these forms of expression "for your own good," anticipating that you will not be accepted. But in most cases, you have rights.



© Timmy Samuel

K.K. Logan Took Action

IF YOU ARE IN PUBLIC SCHOOL AND CONSIDERING YOUR RIGHTS WHEN PLANNING FOR PROM, HERE ARE SOME ISSUES TO CONSIDER.

YOUR PROM

AM I ALLOWED TO TAKE A SAME-SEX DATE TO THE PROM?

Yes. You are allowed to bring your same-sex date to the prom.

You have the right to equal treatment from your school. Some state education laws prohibit discrimination on the basis of sex or sexual orientation; some state antidiscrimination laws apply to schools; and Title IX, a federal law, prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. Equal protection guarantees of the state and federal constitutions also prohibit irrational discrimination based on sex or sexual orientation.

Your attendance with your same-sex date is considered an “expressive activity” — you are expressing your identity and communicating that you and your date have the same right as any other couple to attend and enjoy the event. More than 20 years ago, a federal court recognized that the First Amendment protects this expression, when it ruled that high school senior Aaron Fricke had the right to bring his male date to the prom. The school’s concern that other students might react negatively to Aaron and his date did not justify banning Aaron. The school was required to take appropriate security measures to ensure the safety of all students at the event.

WHAT SHOULD I DO IF MY SCHOOL TELLS ME I CAN’T TAKE A SAME-SEX DATE TO THE PROM AND WON’T SELL ME TICKETS?

First, try to get the support of your parent(s) or legal guardian(s). Ask them to contact the school principal on your behalf and ask that the school provide the reasons for its denial to you in writing. If the school continues to object, call Lambda Legal’s Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org.

WHAT IF THE PRINCIPAL SAYS THE SCHOOL WILL LET ME BRING MY DATE BUT REQUIRES US TO GET OUR PARENTS’ PERMISSION?

Schools should not single out same-sex couples for different treatment. There is no legal justification for demanding permission for some couples because of their sex or sexual orientation. Unless a school requires parental permission for all couples, it should not demand that from you.

HOW CAN WE BE SURE THAT WE’LL BE SAFE AT THE PROM?

Schools cannot refuse to provide you with the same protection that they provide to all other couples. If you are concerned about your safety, you need to talk with your school principal or district superintendent before the prom. Provide them with as much detail as you can about what’s happened or who’s been threatened. In Aaron Fricke’s case, the court found that “meaningful security measures are possible, and the First Amendment requires that such steps be taken to protect rather than to stifle free expression.” You cannot be heckled or harassed out of attending your prom.

WHAT IF I WANT TO WEAR CLOTHING THAT ISN’T TRADITIONAL FOR MY GENDER OR BIOLOGICAL SEX? CAN THE SCHOOL SET ANY DRESS CODE BASED ON GENDER STEREOTYPES?

While schools can set general dress standards for prom — like requiring formal attire — they shouldn’t force you to wear clothes based on your gender. Barring a female student from wearing a tuxedo because only male students wear tuxes, or barring a male student from wearing a dress, is sex stereotyping and may subject the school to a sex-discrimination claim under state education laws, antidiscrimination laws, Title IX or the U.S. Constitution. The same goes for trans or “gender-queer” students who want to dress in a way that reflects their gender identity or expression. The right to express your gender identity through appropriate clothing should also be also protected by the First Amendment or a similar state law. But despite these arguments, courts sometimes have

YOUR PROM

found that a school's concern about safety or substantial disruption is valid and have upheld sex-specific dress codes. So you should advocate for the right to wear the clothes that you want — the clothes that make you feel most comfortable and express your identity — but you also should consider alternatives.

EVEN IF THE SCHOOL DOES TAKE MEASURES TO ENSURE OUR SAFETY, WHAT CAN WE DO IF WE'RE HARASSED BY OTHER STUDENTS (OR ANYONE) AT THE PROM?

You need to report any incidents to officials, security personnel or other monitors/chaperones at the dance. If you think there might be problems, enlist friends and allies who will get on the dance floor with you during the first dance to break the ice. This can set a fun, enjoyable, supportive and safe environment for the evening. After the event, report any incidents of harassment to the principal in writing.

IF WE GET TO THE PROM AND THE SCHOOL OFFICIALS OR MONITORS DON'T LET US IN, WHAT CAN WE DO?

Ask to speak with the person in charge of the event and advocate with them. Let them know that you have a right to attend, that you will not cause any disruption and will

abide by the same conduct rules (no fighting, no drinking) as all other couples. If you know before the actual night of prom that there might be problems, you can take steps that might prevent you from being turned away at the door. You could tell your school principal in advance that you're bringing a same-sex date. If the principal objects, then you can advocate for your right to be there and address any issues the school may have beforehand. Once the principal is on your side, ask for a short note stating that you are allowed to attend with your date. Bring it with you with the hope that you'll never need to use it.

ONCE INSIDE, WHAT IF SOMEONE TRIES TO STOP US FROM DANCING TOGETHER?

You have the right to participate in prom the same way that any other couple does. While the school can have rules of conduct that apply to everyone, it cannot create a special "no dancing" rule for you and your date. The same legal principles that allow you to attend with your date also allow you to participate fully and equally in the evening's activities and fun. If someone tries to stop you, ask to speak with the person in charge and inform them of your rights. If you can, take along a copy of this Q&A for backup.

TAKING ACTION:

K.K. Logan

Throughout K.K. Logan's high school career, he expressed a deeply rooted femininity in his appearance and demeanor. K.K. wore clothing typically associated with girls his age. K.K.'s classmates and teachers were supportive of his dress and gender expression. However, when K.K. wore a dress to his prom, K.K.'s principal physically blocked him from the entrance. Despite K.K.'s classmates and various community members rallying to his defense, he was never let inside for his prom. Administrators cited school policy against "advertising" one's sexual orientation through dress. Lambda Legal filed a lawsuit on K.K.'s behalf. Barring K.K. from his prom for wearing a dress is a violation of his First Amendment right to freedom of speech, symbolic action and expressive conduct. While it is important for schools to have policies that regulate student behavior, these policies must also respect students' rights. LGBTQ students have the right to express themselves in and out of the classroom, and silencing their right to self-expression is an unlawful violation of the First Amendment.

National RESOURCES

LAMBDA LEGAL DEFENSE AND EDUCATION FUND

www.lambdalegal.org
legalhelpdesk@lambdalegal.org
Help Desk 1-866-542-8336

National Headquarters

120 Wall Street, Suite 1500
New York, NY 10005-3904
T 212-809-8585
F 212-809-0055

Western Regional Office

3325 Wilshire Boulevard
Suite 1300
Los Angeles, CA 90010-1729
T 213-382-7600
F 213-351-6050

Midwest Regional Office

11 East Adams
Suite 1008
Chicago, IL 60603-6303
T 312-7663-4413
F 312-663-4307

Southern Regional Office

730 Peachtree Street, NE
Suite 1070
Atlanta, GA 3030-1210
T 404-897-1880
F 404-897-1884

South Central Regional Office

3500 Oak Lawn Avenue
Suite 500
Dallas, TX 75219-6722
T 214-219-8585
F 214-219-4455

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. The organization provides legal assistance and representation to students and school professionals facing discrimination, harassment and censorship based on sexual orientation or gender identity.

ADVOCATES FOR YOUTH

2000 M Street, NW
Suite 750
Washington, DC 20036
T 202-419-3420
F 202-419-1448
www.advocatesforyouth.org
www.youthresource.com
information@advocatesforyouth.org

Advocates for Youth is dedicated to creating programs and advocating for policies that help young people make informed and responsible decisions about their reproductive and sexual health. Advocates provides information, training and strategic assistance to youth-serving organizations, policy makers, youth activists and the media in the United States and the developing world.

YouthResource, a project of Advocates for Youth, is a website created by and for LGBT youth 13 to 24 years old, which offers support, community, resources and peer-to-peer education about issues of concern.

AMERICAN CIVIL LIBERTIES UNION LGBT AND AIDS PROJECTS

125 Broad Street, 18th Floor
New York, NY 10004
T 212-549-2627
www.aclu.org/getequal
getequal@aclu.org

Founded in 1986, the Lesbian & Gay Rights and AIDS Projects are a special division of the American Civil Liberties Union. The "Get Equal" website provides, among other things, a step-by-step guide showing how to get an anti-harassment policy in your school district and tools for a gay-straight alliance at your school.

BISEXUAL RESOURCE CENTER

P.O. Box 1026
Boston, MA 02117-1026
T 617-424-9595
www.biresource.org
brc@biresource.org

The Center educates the public and organizations about bisexuality and provides an information and support network.

NATIONAL RESOURCES

CHILDREN OF LESBIANS AND GAYS EVERYWHERE (COLAGE)

1550 Bryant Street, Suite 830
San Francisco, CA 94110
T 415-861-5437
F 415-255-8345
www.colage.org
colage@colage.org

COLAGE is a national and international organization that supports young people with gay, lesbian, bisexual and transgender parents through education and community building.

FAMILY EQUALITY COUNCIL

P.O. Box 206
Boston, MA 02133
info@familyequality.org
www.familyequality.org

The Family Equality Council works to ensure equality for LGBT families by building community, changing hearts and minds, and advancing social justice for all families.

THE GAY AND LESBIAN NATIONAL HOTLINE (GLNH)

2261 Market Street PMB 296
San Francisco, CA 94114
GLBT National Hotline:
1-888-843-4564
GLBT National Youth Talkline:
1-800-246-7743
www.glnh.org
questions@
GLBTTNationalHelpCenter.org

GLNH provides nationwide toll-free peer counseling, information and referrals to the LGBT community. Peer counselors are available Monday–Friday, 4:00 p.m. to midnight, and Saturday, noon to 5:00 p.m. EST.

THE GAY, LESBIAN AND STRAIGHT EDUCATION NETWORK (GLOSEN)

90 Broad Street, 2nd Floor
New York, NY 10004
T 212-727-0135
F 212-727-0254
www.glsen.org
glsen@glsen.org

GLOSEN strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. It provides safe school tools and guides and is an official sponsor of the Day of Silence (www.dayofsilence.org), an annual event to raise schools' awareness of and protest discrimination against LGBT students.

GAY-STRAIGHT ALLIANCE NETWORK

1550 Bryant St., Suite 800
San Francisco, CA 94103
T 415-552-4229
F 415-552-4729
www.gsanetwork.org
info@gsanetwork.org
info@gsanetwork.org

GSA Network is a youth leadership organization that connects school-based GSAs to each other and community resources.

GENDER PUBLIC ADVOCACY COALITION (GENDERPAC)

1743 Conn. Avenue, NW
Fourth Floor
Washington, DC 20009-1108
T 202-462-6610
F 202-462-6744
www.gpac.org
gpac@gpac.org

GenderPAC works to end discrimination and violence caused by gender stereotypes by changing public attitudes, educating elected officials and expanding legal rights. The GenderYOUTH program organizes campus activists to serve as role models and empower high school students.

GENDER SPECTRUM EDUCATION AND TRAINING

1122 E Pike St #796
Seattle WA 98122
T 877-809-4159
www.genderspectrum.org
info@genderspectrum.org

An organization that provides education, resources and training to help create a more gender sensitive and supportive environment for all people, including gender variant and transgender youth.

HUMAN RIGHTS CAMPAIGN

1640 Rhode Island Avenue, NW
Washington, DC 20036-3278
T 202-628-4160
F 202-347-5323
TTY 202-216-1572
www.hrc.org

HRC is a nonpartisan organization that works to advance equality based on sexual orientation and gender expression and identity, to ensure that LGBT Americans can be open, honest and safe at home, at work and in the community.

NATIONAL CENTER FOR LESBIAN RIGHTS (NCLR)

870 Market Street, Suite 370
San Francisco, CA 94102
Legal Help Line:
800-528-6257
T 415-392-6257
F 415-392-8442
www.nclrights.org
info@nclrights.org

NCLR staffs a toll-free youth legal information line and provides resources on building safe school environments, with a special focus on LGBT youth in sports.

NATIONAL GAY AND LESBIAN TASK FORCE (NGLTF)

1325 Massachusetts Avenue, NW
Suite 600
Washington, DC 20005
T 202-393-5177
F 202-393-2241
TTY 202-393-2284
www.thetaskforce.org
info@thetaskforce.org

The Task Force is a national progressive organization working for the civil rights of LGBT people. Its website provides reports and guides

NATIONAL RESOURCES

for activists, including a report on making schools safe. At its annual conference—"Creating Change"—it offers a number of LGBT youth-related sessions and panels.

NATIONAL RUNAWAY SWITCHBOARD

3080 N. Lincoln Avenue
Chicago, IL 60657
Hotline: 1-800-RUNAWAY
Agency and Information Line:
800-344-2785
T 773-880-9860
F 773-929-5150
www.1800runaway.org
info@nrscrisisline.org

The National Runaway Switchboard provides crisis intervention and local and national referrals to youth and their families, training materials and resources for communities and schools and is the federally designated national communication system for runaway and homeless youth.

NATIONAL CENTER FOR TRANSGENDER EQUALITY

1325 Massachusetts Ave., Suite 700
Washington, DC 20005
T 202-903-0112
F 202-393-2241
www.nctequality.org
ncte@nctequality.org

NCTE is a social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment.

NATIONAL YOUTH ADVOCACY COALITION (NYAC)

1638 R Street, NW, Suite 300
Washington, DC 20009
Toll free: 800-541-6922
T 202-319-7596
F 877-492-8916
TTY 202-319-9513
www.nyacyouth.org
Email: nyac@nyacyouth.org

In collaboration with national and community organizations, NYAC addresses public policy issues

related to LGBT youth and distributes resources and information about local LGBT youth agencies.

OUTPROUD: THE NATIONAL COALITION FOR GAY, LESBIAN, BISEXUAL AND TRANSGENDER YOUTH

369 Third Street, Suite B-362
San Rafael, CA 94901-3581
www.outproud.org
info@outproud.org

OutProud provides advocacy, information, resources and support to LGBT youth.

PARENTS, FAMILIES AND FRIENDS OF LESBIANS AND GAYS (PFLAG)

1726 M Street, NW, Suite 400
Washington, DC 20036
T 202-467-8180
F 202-467-8194
www.pflag.org
info@pflag.org

PFLAG is a national nonprofit organization with over 200,000 members and supporters and almost 500 affiliates in the United States. As part of its "Our House to the Schoolhouse" campaign, PFLAG provides resources and plans for making schools safe for LGBT youth.

THE SAFE SCHOOLS COALITION

2124 Fourth Avenue
Seattle, WA 98121
24-Hour Crisis Line:
1-877-723-3723
T 206-957-1621
www.safeschoolscoalition.org

The Safe Schools Coalition offers a variety of resources to help youth, educators, administrators, parents and guardians end bullying and create safe school environments for LGBT youth. Resources include hotlines for LGBT youth experiencing harassment.

TRANSGENDER LAW CENTER

870 Market Street, Room 823
San Francisco, CA 94102
T 415-865-0176
F 877-847-1278

www.transgenderlawcenter.org
info@transgenderlawcenter.org

A civil rights organization advocating for transgender communities.

TRANSYOUTH FAMILY ALLIES

PO Box 1471
Holland, MI 49422-1471
www.imatyfa.org
info@imatyfa.org

Partners with educators, service providers and communities to develop supportive environments in which gender may be expressed and respected.

THE TREVOR PROJECT

9056 Santa Monica Blvd.,
Suite. 208
West Hollywood, CA 90069
Toll-free hotline:
866-4U-TREVOR
T 310-271-8845
F 310-271-8846
www.thetrevorproject.org
Support@thetrevorproject.org

The Trevor Project provides a national 24-hour toll-free suicide prevention hotline aimed at LGBT and questioning youth and offers an educational package and other resources to raise tolerance for LGBT youth in school and institutional settings.

YOUTH GUARDIAN SERVICES

101 E. State Street, #299
Ithaca, NY 14850
T 877-270-5152
F 703-783-0525
www.youth-guard.org

Youth Guardian Services is a youth-run, nonprofit organization that provides support and services on the Internet to LGBT and straight, supportive youth.

Contact Lambda Legal

NATIONAL HEADQUARTERS

120 Wall Street
Suite 1500
New York, NY 10005-3904
tel 212-809-8585
fax 212-809-0055

WESTERN REGIONAL OFFICE

3325 Wilshire Boulevard
Suite 1300
Los Angeles, CA 90010-1729
tel 213-382-7600
fax 213-351-6050

MIDWEST REGIONAL OFFICE

11 East Adams
Suite 1008
Chicago, IL 60603-6303
tel 312-663-4413
fax 312-663-4307

SOUTHERN REGIONAL OFFICE

730 Peachtree Street, NE
Suite 1070
Atlanta, GA 30308-1210
tel 404-897-1880
fax 404-897-1884

SOUTH CENTRAL REGIONAL OFFICE

3500 Oak Lawn Avenue
Suite 500
Dallas, TX 75219-6722
tel 214-219-8585
fax 214-219-4455

www.lambdalegal.org
legalhelpdesk@lambdalegal.org
Help Desk 1-866-542-8336

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**PROPOSED TRANSGENDER PARTICIPATION POLICY
FOR CONSIDERATION AND DISCUSSION**

GENDER IDENTITY PARTICIPATION - All eligible students should have the opportunity to participate in interscholastic athletics in a manner that is consistent with their gender identity and expression, irrespective of the gender listed on a student's birth certificate and/or records. Should any situation arise regarding a student's request to participate in a gender-segregated athletic event consistent with his or her gender identity and expression, a student may seek review of his or her eligibility for participation through the procedures set forth below:

NOTICE TO THE SCHOOL: The student and parent(s) or guardian(s) shall contact the school administrator or athletic director, **prior to the official start date of the sport season as listed in the official FHSAA Planning Calendar**, indicating the student has a consistent gender identity and expression different than the gender listed on the student's school registration records and the student desires to participate in a gender-segregated athletic sport in a manner consistent with his/her gender identity and expression.

DOCUMENTATION: The appealing student must provide the school administrator or athletic director, and the FHSAA, the following documentation and information:

- A. Current transcript and school registration information
- B. All information required for participation and eligibility in FHSAA athletics (i.e. Birth certificate, proof of residency, EL2, and EL3)
- C. A written statement from the student affirming the consistent gender identity and expression to which the student self-relates.
- D. Documentation from individuals such as, but not limited to parents, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression.
- E. A complete list of all the student's prescribed, non-prescribed or over the counter, treatments or medications.
- F. Written verification from an appropriate health-care professional (doctor, psychiatrist, psychologist) of the student's consistent gender identification and expression.
- G. Any other pertinent documentation or information which the student or parent(s) or guardian(s) believe relevant and appropriate.

NOTICE TO THE FHSAA: The school administrator shall contact the FHSAA, which will assign a facilitator who will assist the school and student in preparation and completion of the FHSAA "Gender Identity Eligibility Review Process".

FIRST LEVEL OF REVIEW: The student will be scheduled for a review hearing before a committee, specifically established to preside over gender identity reviews. The FHSAA will schedule a hearing as expeditiously as possible, but in no case later than fifteen (15) school/business days after the first practice date of a sport, which is the subject of the petition, or within a reasonable time thereafter in cases of emergencies or extenuating circumstances. The Gender Eligibility Review Committee will render a written determination of the student-athletes eligibility to participate in a gender-segregated athletic sport consistent with his or her gender identity and expression.

The Gender Identity Eligibility Committee: The committee will be comprised of a minimum of three of the following categories, one of which must be from the physician or mental health profession category:

- A. Physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH) Standards of Care.
- B. Psychiatrist, psychologist or licensed mental health professional familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care.



Florida High School Athletic Association
Board of Directors Meeting – Agenda Item

JAN/BOD Pkt. | 48

Site: FHSAA Robert W. Hughes Building

Date: January 27 & 28, 2013

General Business:	<u> X </u>	Action:	<u> </u>
Finance Committee:	<u> </u>	Discussion:	<u> X </u>
Governance Committee:	<u> X </u>	Information:	<u> </u>
Operations Committee:	<u> </u>	Presentation:	<u> </u>

Topic:

The FHSAA needs to develop a Transgender Participation Policy compatible with the national research, legal decisions and other state association's procedures in handling requests for participation consistent with a student's gender identity and expression.

Detailed Information (brief statement--background, observations, etc.):

See Attachment (*attach item submitted by individual/advisory committee*) A DRAFT copy of a proposed FHSAA Policy is attached for review and discussion. In addition, a fifty-six paged document related to the research, best practices and policy recommendations will be distributed to Board Members at the meeting. This document will be for study and review prior to June's Annual Meeting, where policy adoption is conducted.

Executive Director Recommendation:

The Executive Director Recommends the Board Consider this DRAFT and other pertinent materials for Policy consideration and adoption coming in June of 2013.

Rationale:

Alternative to Recommendation:

Data Source:

Impact:

Individual/Committee Submitting Item

Dr. Roger Dearing
FHSAA Staff Member Presenting Item

Signature

Signature

- C. School administrator from outside the member school's FHSAA administrative district
- D. Athletic Director from outside the member school's FHSAA administrative district
- E. An athletic coach, of the sport in which participation is desired, from outside the member school's FHSAA administrative district
- F. An individual selected by the FHSAA familiar with Gender Identity and Expression issues

SECOND LEVEL OF REVIEW (IF NEEDED): Any school, on behalf of a student-athlete, which was denied participation at the First Level of Review wishing for a Second Level of Review of the Gender Identity Eligibility Committee's decision shall file notice with the Executive Director of the FHSAA on or before the tenth (10th) school/business day following the date of receipt of the written decision of the Gender Identity Eligibility Committee. The Executive Director shall schedule a Second Level of Review hearing to commence on or before the fifteenth (15th) school/business day following the date of receipt of the written notice, or within a reasonable time thereafter in cases of emergencies or extenuating circumstances. Written notice of the time and place of the hearing shall be delivered to the petitioner's school, for personal delivery to the student-athlete and parent(s) and/or guardian(s).

FINAL DETERMINATION OF REVIEW: When there is sufficient documentation and confirmation of a student's consistent gender identity and expression, the eligibility committee or FHSAA Executive Director will affirm the student's eligibility to participate in FHSAA athletics, consistent with the student's gender identification and expression. Once the student has been granted eligibility to participate in the sport(s) consistent with his/her gender identity and expression, ~~the eligibility is granted and binding for the duration of the student's participation in every sport season of every school year.~~ All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

The Florida High School Athletic Association will assist and facilitate the provision of resources and training for any member school seeking assistance regarding gender identity and expression procedures and requirements.

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Do federal civil rights laws cover harassment of LGBT youth?

- Title IX and Title IV do not prohibit discrimination based solely on sexual orientation, but they protect all students, including students who are LGBT or perceived to be LGBT, from sex-based harassment.
- Harassment based on sex and sexual orientation are not mutually exclusive. When students are harassed based on their actual or perceived sexual orientation, they may also be subjected to forms of sex discrimination recognized under Title IX.

What are a school's obligations regarding harassment based on protected classes?

Anyone can report harassing conduct to a school. When a school receives a complaint they must take certain steps to investigate and resolve the situation.

- Immediate and appropriate action to investigate or otherwise determine what happened.
- Inquiry must be prompt, thorough, and impartial.
- Interview targeted students, offending students, and witnesses, and maintain written documentation of investigation
- Communicate with targeted students regarding steps taken to end harassment
- Check in with targeted students to ensure that harassment has ceased
- When an investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:
 - End the harassment,
 - Eliminate any hostile environment,
 - Prevent harassment from recurring, and
 - Prevent retaliation against the targeted student(s) or complainant(s).

Volusia school district considers bullying protections for transgender kids

February 22, 2011|By Ludmilla Lelis, Orlando Sentinel

The Volusia County [School](#) Board voted to advertise a proposed change to school policy that adds "gender identity or expression" to the existing list of categories protected from bullying or harassment.

The Volusia County School Board agreed tonight to consider changes to [school district](#) policy that would specifically protect transgender students from bullying and harassment.

The board, meeting in DeLand, voted to advertise a proposed change to school policy that would add "gender identity or expression" to the list of categories protected from bullying or harassment.

19.

The Escambia County School Board adds "gender identity/expression" to its nondiscrimination policy



(Photo: Tony Giberson/tgiberson@pnj.com, Tony Giberson/tgiberson@pnj.com)

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The Escambia County School Board recently added language to include discrimination against one's gender identity and gender expression in its bullying and harassment definitions after a call for action from the community and American Civil Liberties Union. The board voted 3-0 to approve the 2014-15 Students Rights and Responsibilities Handbook, which included the added language, at its meeting Tuesday. Two school board members, Patty Hightower and Jeff Bergosh, are out of the country and did not attend the meeting.

After the approval, applause erupted from the audience, and several speakers expressed gratitude to the board for its action.

"Not only does it affect the students at the schools, but it affects the teachers as well," Washington High teacher Leslie Owen told the board. "I strongly believe outreach should continue. There are still children who feel unsafe in our high schools. And the only way a child can learn is if their learning environment is a safe one."

In April, the U.S. Education Department alerted districts in a memo on sexual violence that it would welcome civil rights complaints from transgender students under Title IX, the 1972 law that bans gender discrimination at schools.

Previously, the handbook included discrimination against sexual orientation under its definitions of bullying and harassment, but lacked the more explicit language that discrimination against gender identity and gender expression was prohibited as well. The new language will allow transgender students to have added confidence that bullying and harassment targeted at them will not be tolerated, said Sara Latshaw, director of the Northwest Region of the ACLU Foundation of Florida.

"Transgender people are protected from discrimination whether or not it's in their (school district's) codes," Latshaw said. "But the clarifying of the language will help provide a better environment for those students."

School Board member Bill Slayton said the added language wasn't a big change to the district's policies, which already prohibited bullying and harassment.

"We don't allow anyone to harass anyone," Slayton said. "We want everyone to treat each other how they would want to be treated. "But if it makes kids feel safer, then OK." Slayton added that the approval of the handbook was prudent so that it would be ready by the time school begins Aug. 18.

"We needed to approve it so that principals will have that book by the first day of school," he said.

Latshaw said the ACLU has worked in the past months with the superintendent and school board, advocating the addition of "gender identity/expression" to its bullying and harassment policies.

"There's federal government guidance that essentially said that transgender people are protected," Latshaw said. "Using that advice and the fact that we believe no one should be discriminated against, we spoke with school board members and the superintendent that this would be a good addition to their nondiscrimination policies."

ONLINE

See the district's amended policy on bullying and harassment for yourself at [www.escambia.k12.fl.us/board/PDF 14/July/07_15_14_specmtg/II_a.PDF](http://www.escambia.k12.fl.us/board/PDF%2014/July/07_15_14_specmtg/II_a.PDF).

Orange County School Board approves LGBT protections

December 12, 2012|By Lauren Roth, Orlando Sentinel

After listening to nearly six hours of testimony on both sides of the issue, the Orange County School Board added protections for gay, lesbian and transgender students and staff to the district's nondiscrimination policy early Wednesday. More than 200 people had packed into the Orange County school-district headquarters for a heated debate on the proposal.

The board approved the changes on a 6-2 vote after rejecting a proposal that would have approved the protections for sexual orientation only, and not gender identity and expression.

Transgender and Gender Non-Conforming Youth

Recommendations For Schools

Transgender Law Center

www.transgenderlawcenter.org
info@transgenderlawcenter.org
(415) 865-5619 or 865-0176

Overall Problem:

Transgender students face severe discrimination and harassment in schools. 89.5% of transgender students report feeling unsafe in schools.[1] Transgender students are at higher risk of dropping out of school and of suicide.

Example of harassment:

School was.... Hell. No one wanted to sit near me in the cafeteria. No one wanted to talk to me. I was treated like I had leprosy of AIDS. I was the freak kid. Kids would say, "Oh, hi, Lawrence." And I would speak back. And, "oh my God, you sound just like a girl." Guys wanted to pick fights. People would say just a whole bunch of vulgar tings to me. Every day I'd come home from school cryin'. Kids would yell from the school bus, "Faggot!" Throw stuff out of the windows. Make me hate kids, hate school, hate life."[2]

-- Lawrence, 19 year old transgender youth

Overall Recommendations:

A) To protect transgender and gender non-conforming students by creating an explicit anti-discrimination and anti-harassment policy – and to enforce these policies meaningfully.

B) To train all teachers, administrators, counselors, and students in transgender sensitivity, in what it means to treat all people respectfully and equally.

California protects transgender and gender non-conforming students in public schools from discrimination and harassment. (AB 537 – Student Violence and Prevention Act). So, in California, the above recommendations are the law. Minnesota and New Jersey have similar protections.

Specific Problems and Recommendations:

Problem 1 : Incorrect and Disrespectful Names and Pronouns

Frequently, transgender and gender non-conforming students are not addressed by the appropriate pronouns or names. Having our gender recognized and validated is important for our emotional health. As anyone can imagine, it is extremely disrespectful to be called by a pronoun or name one does not chose for oneself. It invalidates ones identity and self-concept. This lack of validation and recognition can and often does lead to depression and suicide.

Recommendation 1: Correct Names/Pronouns – according to student self-identification

Transgender and gender non-conforming students have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether the student has obtained a court ordered name or gender change. Intentionally addressing a student by the incorrect name or pronoun is a form of discrimination. The directive does not prohibit inadvertent slips or honest mistakes, but it does apply to an intentional and persistent refusal to respect a student’s gender identity.[3]

Students who wish to use pronouns other than the masculine or the feminine (such as zhe and hir) need to be respected equally.

Problem 2: Lack of appropriate restroom accessibility

Many transgender and gender non-conforming students have no access to bathrooms. Some are told to use the bathroom that does not correspond to their gender identity. Many are expelled from school because the school does not know where the person should use the bathrooms.

Recommendation 2: Gender appropriate restroom accessibility

All students have a right to safe and appropriate restroom facilities. This includes the right to use a restroom that corresponds to the student’s gender identity, regardless of the student’s sex assigned at birth.[4] Requiring the student to ‘prove’ their gender (by requiring a doctor’s letter,

identity documents, etc.) is not acceptable. The student's self-identification is the sole measure of the student's gender.

Problem 3: Lack of gender neutral bathrooms

Often transgender and gender non-conforming students do not feel safe in either the men's or women's restrooms. Many students are harassed in both women's and men's restrooms – because they are perceived to be sufficiently stereotypically feminine or masculine.

In a transgender focus group, the Gay Straight Alliance Network found that the lack of safe bathrooms is the biggest problem that gender non-conforming students face. For instance, "One youth wouldn't use the restroom at school. Instead, he would cross the street to a restaurant and use the men's room there where people didn't know he was biologically female." [5]

"For transgender and gender non-conforming people, the lack of safe bathroom access is "the most frequent form of discrimination faced but the least acknowledged by policy makers" [6] Even in San Francisco, many transgender and non-transgender people have no safe places to go to the bathroom - get harassed, beaten, and arrested in both women's and men's rooms. Many avoid public bathrooms altogether and develop health problems.

Respondents to the San Francisco Human Rights Commission's "Bathroom Survey," [7] a survey of almost 500 people documenting the problem caused by the lack of gender-neutral bathrooms, describes the problems we face on a daily basis most starkly:

- "Women jump out of their shoes; I get harassed by the guys"
- "Security chased me"
- "I have been slapped, pushed, and dragged out by security guards"
- "Got beaten up for using the 'wrong bathroom'"
- "Having the door almost knocked down by teenagers"
- "I run into problems 80% of the time"
- "This is a problem every day"

•“I have spent so many hours avoiding public multi-stall bathrooms that I have damaged my bladder and put pressure on my kidneys.”

Recommendation 3: More Gender Neutral Bathrooms

In addition, where possible, School District will also provide an easily accessible unisex single stall bathroom for use by any student who desires increased privacy, regardless of the underlying reason. However, use of a unisex single stall restroom should always be a matter of choice for a student. No student should be compelled to use one either as a matter of policy or due to continuing harassment in a gender appropriate facility.[8] If possible, we encourage more than one gender neutral bathroom.

Problem 4: Lack of Locker Room Accessibility

Transgender and gender non-conforming students also face difficulties in locker room facilities. Gender non-conforming students are harassed, no matter what locker room. Often, transgender students are kept from going into any locker room.

Recommendation 4: Locker room accessibility

In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity must be provided an accommodation that best meets the student’s needs. Such accommodations can include: (A) use of a private area within the public area (a bathroom stall with a door, an area separated by a curtain, a PE instructor’s office in the locker room), (B) a separate changing schedule in the private area (either utilizing the locker room before or after the other students), (C) use of a nearby private area (a nearby restroom, a nurse’s office), (D) access to the locker room corresponding to the student’s sex assigned at birth, or (E) satisfaction of PE requirement by independent study outside of gym class (either before or after school or at a local recreational facility).

It is not an acceptable accommodation to deny a student’s opportunity for physical education either through not allowing the student to have PE or by forcing the student to have PE outside of the assigned class time. Requiring a transgender student to use the locker room corresponding to the student’s sex assigned at birth is likewise prohibited.[9]

Problem 5: Lack of access to sports and gym class

Often, transgender and gender non-conforming students are forced to be on a sports team that does not fit their gender identity. This is yet one more way in which transgender and gender non-conforming students are not taken seriously and are told that their identities are not valid. Being repeatedly told that one's self perception is invalid is extremely psychologically harmful.

Recommendation 5: Sports and gym class

Generally, students should be permitted to participate in gender-segregated sports and gym class activities in accordance with the student's gender identity. In some situations, legitimate questions about fairness in athletic competitions will need to be resolved on a case-by-case basis. This exception will not, however, apply to participation in gym class where the activity is recreational instead of competitive.

Gender segregation in other areas

This directive outlines the main areas where students may find themselves segregated by gender. It does not, however, purport to identify and address all such circumstances. As a general rule, any other time students are segregated by gender (i.e. classroom discussion, field trips, or support/counseling groups) students must be permitted to participate in accordance with their gender identity. [10]

Problem 6: Inappropriate Dress codes

Often students are required to wear clothing that is inconsistent with their gender identity. For instance, Pat Doe, a male to female transgender student was told that she could not wear girl's clothes. Every single day, first thing in the morning, she had to go to the principal's office, where the principal would look at her and decide if she was dressed enough like a boy. This student brought a suit against the school, a suit which she won. [11]

Recommendation 6: Students can dress according to their gender identity

School District can enforce reasonable student dress codes for the purposes of maintaining a safe and orderly school environment, and ensuring that the school can fulfill its educational mission. However, All School District employees must respect the right of a student to dress in accordance with the student's gender identity.[12] Further, students should not have to chose between male and female clothing. Some students are

most comfortable in and most themselves in clothing that is not clearly male or female or a combination of the two.

Problem 7: Unsupportive Families:

Some transgender and gender non-conforming students are not openly so at home because of safety reasons. “Transsexual youth who are open about their identity face extreme abuse and rejection from families and peers. Many are forced to leave their home communities and survive on the streets.”[13]

Recommendation 7: Confidentiality

A school should never disclose the student’s gender non-conformity or being transgender to the student’s parents unless the student consents.

Problem 8: Lack of role models and access to accurate information

Often, transgender students feel like they are all alone in the world. There are very few transgender role models in schools. There are no books in schools that teach about transgender and gender non-conforming people. Often schools reinforce stereotypical gender norms. And, further, schools do not teach students that there are gender options beyond female and male. In fact, most school structures reinforce the myth of two genders: male and female segregated bathrooms, male and female segregated locker rooms, female and male segregated sports teams and activities, etc.

Recommendation 8: More role models and access to accurate information

Schools should make an effort to employ transgender and gender non-conforming teachers. Schools should have books about transgender and gender non-conforming people. Schools should make sure that everyone is aware that there is a great human gender diversity that certainly includes female and male, but goes far beyond.

Prepared by Jody Marksamer and Dylan Vade

The Transgender Law Center is sponsored by the National Center for Lesbian Rights, Female-to-Male International, the Echoing Green Foundation, the Yale University Initiative for Public Interest Law, the Horizons Foundation, the Sisters of Perpetual Indulgence, and the Common Counsel Foundation.

DEFENDANT'S
EXHIBIT
225

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LGBT

Transgender Student Files Federal Complaint Against School District For Banning Him From The Boys Restroom

Gavin Grimm and the ACLU argue that the Gloucester County School Board violated Title IX when it approved a rule restricting school restrooms to students with “corresponding biological genders.”

posted on Dec. 19, 2014, at 10:24 a.m.



Dominic Holden
BuzzFeed News Reporter



Gavin Grimm

A transgender teenager in rural Virginia is taking his case to the U.S. Department of Justice, arguing in a complaint that the Gloucester County School Board violated his rights by approving a policy this month prohibiting students from using restrooms that do not correspond to their "biological genders."

The complaint, sent Thursday, argues the school board ran afoul of Title IX, a 1972 law that bans gender-based discrimination, which has been interpreted recently to protect students from discrimination based on their gender identify.

"I felt like it was my moral responsibility to stand up for the rights of all transgender students, as well as my own," the 15-year-old sophomore told BuzzFeed News.

Lawyers at the American Civil Liberties Union sent the complaint, which cites a slew of legal decisions and precedents. "Federal courts have made clear that the protections in Title IX from discrimination based on 'sex' include discrimination based on gender identity or transgender status," the lawyers write.

However, it was Grimm's decision to pursue the complaint. "I am not afraid at all. I am not afraid of any discourse within the community," he said. "My hope is that as a result of this complaint, there will be a formal policy within Gloucester County Public Schools that protect the rights of transgender students."

Starting in October, Grimm had been allowed by teachers and administrators at his high school to use the boys restroom. But the school board intervened at a standing-room-only meeting on Dec. 9 by passing a policy that, while apparently singling out Grimm, has the practical effect of banning all transgender students from using the restrooms and locker rooms that reflect their gender identity. When he returned to school, Grimm said his principal said he must use a unisex restroom or the school nurse's office restroom.

"I go to [the] nurse's office," Grimm said. "It's a lot easier to pretend you are in the nurse's office for a headache. Otherwise, people will see me go into the unisex bathroom and that is humiliating for me, and I won't do it."

"When a school district accepts federal funds, it does so on the condition of following federal laws," school board member Kimberly Hensley, who is also an attorney, told BuzzFeed News before the complaint was filed. She cast the only dissenting vote on the seven-member school board. "I truly believe we are in violation of Title IX and at risk of losing our federal funding."

The complaint explains: "As a practical matter, the 'biological gender' policy at [Gloucester County Public Schools] significantly interferes with the ability of Gavin and other transgender students to fully participate in daily school activities because it singles out transgender students for different treatment and forces them to travel to separate facilities which are often further away and inconveniently located whenever they have to use the restroom."

The Gloucester County Public School (GCPS) school board "apparently adopted the policy in order to protect the privacy rights of boys who are not transgender and guard against the possibility that transgender boys would look at other boys' 'private parts,'" the complaint says. "If any student — whether transgender or not — violates another student's privacy in the restroom, GCPS can and should take appropriate action. But there has not been any complaint that Gavin has engaged in misconduct, and stated privacy concerns appear to be nothing more than irrational prejudice or stigma against transgender people."

Although Grimm is prepared to be the center of public discussion, some of the discourse thus far been unkind, according to the letter directed to the education section of the Dept. of Justice's Civil Rights Division. The school board meeting on Dec. 9 included public testimony that called Grimm "a girl" and "a freak," the letter says.

"Indeed," the complaint goes on, "the stigmatizing policy breeds or fosters gender-stereotype-based hostility toward Gavin from his peers, which [the school district] has an obligation to protect him from instead of encouraging."

UPDATE

One of the country's leading religious freedom organizations has offered to defend the policy. Jeremy Tedesco, senior counsel for Alliance Defending Freedom, told BuzzFeed News that one day before the complaint was filed, his group "offered to assist the district should it face legal action."

"No federal law requires schools to treat their bathrooms, locker rooms, or showers as genderless facilities," Tedesco said. His group supports the school board's vote and has a history of butting heads with the ACLU. "Indeed, the idea that reserving a girl's locker room for girls violates Title IX is a tortured reading of the law."

Tedesco continued: "No policy should be tailored to a few students at the expense of every other student. Schools can accommodate a small number of students with different needs without compromising the rights of other children and their parents. No child should be forced into an intimate setting — like a bathroom or a locker room — with another child of the opposite sex."

Neither Randy Burak, chair of the Gloucester County School Board, nor the other five board members who voted in favor of the policy responded to questions from BuzzFeed News about the claims in Grimm's legal complaint. Dec. 22, 2014, at 2:14 p.m.

Dominic Holden is the national LGBT reporter for BuzzFeed News and is based in New York.

Contact Dominic Holden at dominic.holden@buzzfeed.com



Tagged:transgender, aclu, gavin grimm, gloucester county school board

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**Thank you for your participation in the 7th Annual Teaching Respect for All:
Creating Safe Schools for Lesbian, Gay, Bisexual & Transgender Students!**

Teaching Respect for All conference aims to provide current and prospective school teachers, counselors, social workers, and administrators with the knowledge and tools to successfully create a school culture where all people, including LGBT people, are respected, free to express themselves, and able to reach their full potential.

Thank you to our partners from Duval County Public Schools, Nan Worsowicz, Supervisor of School Counseling and Joni Shook, Counseling Specialist! This year's TRFA Conference is being held in collaboration with the DCPS 3rd Annual Duval County School Counseling Conference: Success by Design.

About our Keynote:

Patricia J. Martin, Johns Hopkins University Lecturer and Independent Educational Consultant

She is a nationally recognized leader in the reform of school counseling and efforts to design training opportunities to help practicing counselors become an integral part of the primary mission for schools. Pat has over 30 years of experience as a public school educator, having worked as a teacher, school counselor, supervisor of counselors, high school principal, chief educational administrator and assistant superintendent of schools in Prince George's County, Maryland.

Patricia has an extensive and productive history of involvement in national and state efforts working on issues related to large urban school districts, leadership, school counseling and academic equity for students for whom school systems have not served well in the past. She has been the developer and the manager of many institutional programs and system policies that directly impact the education and career options for these students in school districts.

About JASMYN:

The Mission of the Jacksonville Area Sexual Minority Youth Network (JASMYN) is to support and empower lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth by creating safe space, providing youth development services and bringing people and resources together to promote diversity and human rights. JASMYN is a non-profit youth organization for lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth ages 13-23.

About JASMYN's GSA Support:

Starting a Gay Straight Alliance or similar club in your school? JASMYN can help! Join the JASMYN GSA Network for access to GSA resource guides, LGBT Leadership retreats, Fun programs, events and more. JASMYN's GSA Network is a part of JASMYN's Student Support Program. JASMYN is a resource for ALL students thinking about or starting Gay Straight Alliances in their schools. If you would like JASMYN to visit your school or attend a GSA meeting contact Ace Canessa, JASMYN's Student Support Coordinator



Schedule at a Glance

7:15 AM Check-In & Registration

8:00 AM Welcome & Opening Remarks Nan Worsowicz, Supervisor of School Counseling
Cindy Watson, Executive Director, JASMYN

Keynote Patricia J. Martin

9:15 – 10:15 AM Break Out Sessions

~~X~~ Room A2103 - Tipping the Scales Toward Resiliency: What the YRBS LGB Data Tells Us About Supporting LGBT Students

~~W~~ Room A2105 - LGBT 102: Policies and Best Practices working with LGBTQ Youth

Room A2104 - GSA 101: Activating, organizing & supporting a Gay Straight Alliance

Room A2106 - LGBT College Student Panel: Listen and learn from UNF students talking about their path to higher education and the support services they needed in high school to make it to college

10:25 – 11:40 AM Break Out Sessions

Room A2106 - LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

~~W~~ Room A2103 Supporting Transgender/Gender Nonconforming students ~~W~~

Room A2104 GSA 101: Activating, organizing & supporting a Gay Straight Alliance

~~X~~ Room A2105 Teaching Respect for All Feature Film: *Laverne Cox presents: the t word*

11:40 – 12:40 Lunch & Resource Fair (A wrist bands lunch 11:40-12:10, B wrist bands lunch 12:10-12:40)

12:50 – 1:50 PM Break Out Session

~~W~~ Room A2103 Tipping the Scales Toward Resiliency: What the YRBS LGB Data Tells Us About Supporting LGBT Students

Room A2106 LGBT College Student Panel: Listen and learn from UNF students talking about their path to higher education and the support services they needed in high school to make it to college

Room A2104 Sustaining your GSA: Creating a culture of student leaders in your Gay Straight Alliance

~~X~~ Room A2105 LGBT 102: Policies and Best Practices working with LGBTQ Youth

2:00 – 3:00 PM Break Out Session

Room A2106 LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

~~*~~ Room A2104 Sustaining your GSA: Creating a culture of student leaders in your Gay Straight Alliance

Room A2103 Supporting Transgender/Gender Nonconforming students

Room A2105 Teaching Respect for All Feature Film: *Laverne Cox presents: the t word*

3:15-5:00 PM Optional Networking and Social at Fionn MacCool's @ The Landing (2 Independent Drive #176, JAX, FL 32202)

Teaching Respect for All Break Out Session Descriptions & Locations

Tipping the Scales Toward Resiliency: What the YRBS LGBT Data Tells Us About Supporting LGBT Students

Room A2103

Cindy Watson, Executive Director, JASMYN

The biannual Youth Risk Behavior Survey (YRBS) asked Duval Country students to identify their sexual orientation for the first time in 2013. The data reveals that students who identify as gay, lesbian, bisexual or unsure report higher risks of bullying, suicide, violence, substance use and sexual behavior. This workshop will explore the factors that drive higher rates of risk for sexual minority students, and will engage educators in developing strategies to effectively support LGBT students that help them be safe, resilient and academically successful.

LGBT 102: Policies and Best Practices working with LGBTQ Youth

Room A2105

Emily Rokosch, Director of Operations, JASMYN

The workshop will increase awareness and understanding of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth and their health risks, and promote safe space for LGBTQ youth. The training will help agencies & classrooms create best practices and implement policies in environments that discourage bullying / rejection and promote acceptance of LGBTQ in youth development programs and other community settings.

GSA 101: Activating, Organizing & Supporting a Gay Straight Alliance

Room A2104

Randy Lessen, DCPS Teacher

In this workshop participants will learn about what a GSA is and how it benefits the entire school environment, how to help your students start a GSA, what GSA model is right for your school and how to overcome obstacles supporting students to start a GSA and your school or organization.

LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

Room A2106

Sabrina Cluesman, Assistant Director of Services, JASMYN

JASMYN Youth Leaders

Did you know 1 in 13 Black/Gay/Bisexual men in Duval County has HIV? Did you know that school age youth 13-29 make up 30% of all new HIV infections among men? Did you also know for Black Transgender women the rates of HIV are even higher? Join us as we listen to the young people, dialogue on the challenges of the HIV epidemic in Jacksonville and discuss how we can mobilize for change both in the schools and in Jacksonville.

Room A2103

MJ Cranston, HIV Testing Coordinator, JASMYN

Bradley, Case Manager, JASMYN

Alyx, JASMYN Youth Leader

This workshop will increase participants awareness of key terminology and concepts relating to gender identity and expression, increase awareness of barriers transgender students face that impact academic success and review best practices and policies for gender inclusive schools.

Sustaining your GSA: Creating a Culture of Student Leaders in your Gay Straight Alliance

Room A2104

Jardyn Lake, Student Support Coordinator, JASMYN

Now that you have a GSA...how can you keep your students engaged, support emerging student leaders, and grow your GSA. Participants will be introduced to tools and resources to help facilitate engaging and fun GSA meetings including fundraising ideas, group activities and setting up a safe and welcoming environment for all participants.

LGBT College Student Panel & Experience

Room A2106

Timothy Jefferson, Assistant Director of Programs, JASMYN

Listen and learn from out LGBTQ college students talking about their path to higher education, their High School experience coming out as LGBT and the support services they needed to graduate and continue their educational success.

Teaching Respect for All Feature Film: *Laverne Cox presents: the t word*

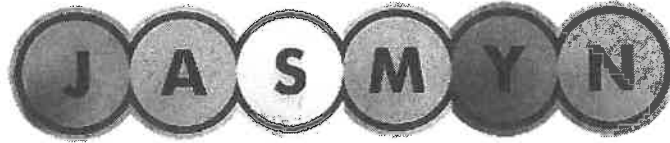
Room A2105

Facilitated by: Ace Canessa, Outreach Specialist, JASMYN

"Actress and trans advocate Laverne Cox presents an eye-opening documentary about seven brave transgender youth who are showing the world what it means to defy expectations and live their lives - and truth - as authentically as possible."

In this breakout, we will explore the ways Laverne Cox's short documentary about young trans lives can be used as a tool in the classroom, as a way to discuss the oppressions trans folks face, while also looking at their daily lives.





Visit www.jasmyn.org for more information

Stay Involved!

Upcoming Community Events to Support JASMYN

February 22, 2015 @ 2:30 PM

Warm The New JASMYN House Party

April 18, 2015 @ 7:30 AM

4th Annual Strides for Pride 5K Run/Walk

Support LGBT Youth!

Upcoming LGBTQ Youth Events

May 15, 2015 @ 7:00 PM

Annual LGBTQ Youth Prom

April 18, 2015 @ 7:00 PM

4th Annual Strides for Pride 5K Run/Walk @ 7:30 AM

REGISTRATION IS OPEN!

Thank you for believing in LGBTQ Youth!



all children all families

Achieving Safety, Permanency and Well-Being by Improving Practice with LGBT Youth and Families

All Children – All Families Benchmarks of LGBT Cultural Competency
Agencies that demonstrate they have achieved these ten benchmarks will be designated “Leaders in Supporting and Serving LGBT Youth & Families” and awarded the **Seal of Recognition**.



1 Client Non-Discrimination

- 1a. Client non-discrimination policy explicitly prohibits discrimination based on “sexual orientation.”
- 1b. Client non-discrimination policy explicitly prohibits discrimination based on “gender identity.”
- 1c. Client non-discrimination policy explicitly prohibits discrimination based on “gender expression.”
- 1d. Client non-discrimination policy is communicated to staff and clients.

2 Employment Non-Discrimination

- 2a. Employment non-discrimination policy explicitly prohibits discrimination based on “sexual orientation.”
- 2b. Employment non-discrimination policy explicitly prohibits discrimination based on “gender identity.”

3 Organizational Partnerships and Non-Discrimination

- 3a. Agency employs best efforts to limit or avoid partnerships with organizations and service providers that engage in discriminatory practices or perpetuate biased policies which harm the LGBT community.
- 3b. Agency employs best efforts to require organizational partners, collaborators or contractors to meet its own LGBT-inclusive non-discrimination standards.

4 Agency Forms

All agency-controlled forms and internal documents use LGBT-inclusive language related to family and relationship status (e.g., “partner” instead of “spouse,” “parent 1” and “parent 2” rather than “mother” and “father”).

5 Staff Training

- 5a. All agency employees (including clerical staff, top management and any other employees who have direct contact with clients) receive comprehensive training required to work effectively and competently with LGBT clients.
- 5b. Agency social workers, managers and administrators receive role-specific training in working effectively and competently with LGBT clients.
- 5c. Agency provides staff in-service trainings focused on supporting LGBT clients at least once a year. This training addresses specific skills in order to enhance cultural competency working with LGBT clients.

6 Staff Advocates

Agency has on staff one or more advocates for LGBT clients. This advocate (sometimes called ombudsperson or champion) is identified to all staff and clients and is charged with resource collection and dissemination, advocacy, support and intervention specifically for LGBT clients.

7 Client Advisory Boards & Community Expertise

- 7a. Agency client advisory boards (youth and adult) or similar entities (groups that regularly provide client-based feedback, guidance and advice to agency leaders and managers) include members who identify as LGBT or as allies to the LGBT community and/or demonstrate how they will engage the voice of LGBT clients and allies in a meaningful way.
- 7b. Agency has access to an expert in competent practice and delivery of service to the LGBT community.

8 Agency Environment & External Communications

- 8a. Visual cues throughout common areas communicate support and inclusion of LGBT resource families and/or LGBT and ally youth (e.g. posters, magazines, brochures).
- 8b. Agency's external communications (website, printed materials, etc.) explicitly and consistently reflect its commitment to working with and welcoming LGBT clients and their families.
- 8c. Agency actively recruits for LGBT resource families.

9 Training and Support for Resource Families

- 9a. Agency includes LGBT-specific examples and exercises in all family training (e.g., MAPP and PRIDE, or other similar training). Trainings are inclusive of LGBT-headed families and provide information on creating a safe and affirming environment for LGBT youth.
- 9b. Trainers are prepared to deliver this content and create a safe space for all families.
- 9c. Agency provides LGBT-inclusive ongoing support and education to existing resource families and other caregivers (including birth families and foster/birth siblings whenever applicable).

10 Client Services & Referrals

- 10a. Agency has in place ongoing efforts to address LGBT-inclusion and cultural competence across all services.
- 10b. Agency identifies and utilizes a list of LGBT-competent referrals for outside client services.
- 10c. Agency has a process in place to identify safe and affirming resource families for LGBT youth.
- 10d. Agency has had placements/finalized adoptions with several LGBT foster or adoptive parents; and/or provided foster/adoption services to LGBT families within the past year.

Self-Assessed Checklist for Personnel Providing Services and Supports to LGBTQ Youth and Their Families

RATING SCALE: Please select **A, B, or C** for each item listed below:
 A = I do this **frequently**, or the statement applies to me to a **great degree**
 B = I do this **occasionally**, or statement applies to me to a **moderate degree**
 C = I do this **rarely or never**, or statement applies to me to a **minimal degree or not at all**.

PHYSICAL ENVIRONMENT, MATERIALS, AND RESOURCES

- | | | | |
|---|----------|----------|----------|
| 1. I display pictures, posters and other materials that are inclusive of LGBTQ youth and their families served by my program/agency. | A | B | C |
| 2. I ensure that LGBTQ youth and families across diverse racial, ethnic, and cultural groups: | | | |
| • Have access to magazines, brochures, and other printed materials that are of interest to them. | A | B | C |
| • are reflected in media resources (e.g., videos, films, CD's, DVD's, websites) for health and behavioral health prevention, treatment, or other interventions. | A | B | C |
| 3. I ensure that printed/multimedia resources (e.g. photos, posters, magazines, brochures, videos, films, CD's, websites) are free of biased and negative content, language, or images about people who are LGBT. | A | B | C |
| 4. I screen books, movies, and other media resources for negative stereotypes about LGBTQ persons before sharing them with youth and their parents/families served by my program/agency. | A | B | C |

COMMUNICATION PRACTICES

- | | | | |
|--|----------|----------|----------|
| 5. I attempt to learn and use key words and terms that reflect 'youth culture' or LGBTQ youth culture, so that I communicate more effectively with youth during assessment, treatment, or other interventions. | A | B | C |
|--|----------|----------|----------|

6. I understand and respect that some youth may:
- choose not to identify as LGBT or prefer to use other terms to identify themselves. A B C
 - abandon use of all terms associated with sexual orientation/ gender identity or expression so as to remain “label free” A B C
7. I understand and apply the principles and practices of linguistic Competencies as they relate to LGBTQ populations within my program/ Agency, including the use of:
- preferred gender pronoun(s).
 - preferred proper names.
 - terms that reflect self-identity about sexual orientation/gender Identity. A B C
8. I advocate for the use of linguistically appropriate terminology for LGBTQ populations within:
- my program/agency.
 - systems that serve children, youth, and their families.
 - Professional and community organizations with which I am associated with. A B C

VALUES AND ATTITUDES

9. I avoid imposing values that may conflict or be inconsistent with those of LGBTQ culture or groups. A B C
10. In group therapy or treatment situations, I discourage the use of “hate speech” or slurs about sexual orientation/gender identity or expression by helping youth to understand that certain words can hurt others. A B C
11. I intervene appropriately when I observe others (i.e., staff, parents, family members, children, and youth) within my program/agency behave or speak about sexual orientation/gender identity or expression in ways that are insensitive, biased, or prejudiced. A B C
12. I understand and accept that family may be defined differently by LGBTQ Youth (e.g., extended family members, families of choice, friends, partners, fictive kin, godparents). A B C

13. I accept that LGBTQ youth, parents/family members may not always agree about who will make decisions about services and support for the youth. A B C
14. I recognize that LGBT identity has different connotations (negative, neutral, positive) within different racial, ethnic, and cultural groups. A B C
15. I accept that culture heavily influences responses by family members and others to youth who are LGBTQ, and to the provision of their care, treatment, services, and supports. A B C
16. I understand and respect that LGBTQ youth may conceal their sexual orientation/gender identity or expression within their own racial, ethnic, or cultural group. A B C
17. I accept and respect that LGBTQ youth may not express their gender according to culturally-defined societal expectations. A B C
18. I understand that age and life cycle factors including identity development, must be considered when interacting with LGBTQ youth and their families. A B C
19. I recognize that the meaning or value and behavioral health Prevention, intervention, and treatment may vary greatly among LGBTQ youth and their families. A B C
20. I understand that family members and others may believe that LGBTQ identity among youth is a mental illness, emotional disturbance/disability, or moral/character flaw. A B C
21. I understand the impact of stigma associated with mental illness, behavioral health services, and help-seeking behavior among LGBTQ youth and their families within cultural communities (e.g. communities defined by race or ethnicity, religiosity or spirituality, tribal affiliation, and/or geographic locale). A B C

22. I accept that religion, spirituality, and other beliefs may influence how families :

- Respond to a child or youth who identifies as LGBTQ. A B C
- View LGBTQ youth culture. A B C
- Approach a child or youth who is LGBTQ. A B C

23. I ensure that LGBTQ youth:

- Have appropriate access to events and activities conducted by by program/agency. A B C
- Participate in training (i.e. panel presentations, workshops, seminars, and other forums). A B C
- Participate on advisory boards, committees, and task forces. A B C

24. I ensure that members of “families of choice” identified by LGBTQ youth:

- Have appropriate access to event and activities conducted By my program/agency. A B C
- Participate in training (i.e. panel presentations, workshops, Seminars, and other forums). A B C
- Participate on advisory boards, committees and task forces. A B C

25. Before visiting or providing services and supports in the home setting, I seek information on acceptable behaviors, courtesies, customs, and expectations that are unique to:

- LGBTQ youth and their families A B C
- LGBTQ headed families A B C

26. I confer with LGBTQ youth, family members, key community informants, cultural brokers, and those who are knowledgeable about LGBTQ youth experience to:

- create or adapt service delivery models A B C
- implement services and supports A B C
- evaluate services and supports A B C
- plan community awareness, acceptance, and engagement initiatives . A B C

27. I advocate for the periodic review of the mission, policies, and procedures of my program/agency to ensure the full inclusion of all individuals regardless of their sexual orientation/gender identity or expression.

A B C

- | | | | |
|---|---|---|---|
| 28. I keep abreast of new developments in the research and practice literatures about appropriate interventions and approaches for working with LGBTQ youth and their families. | A | B | C |
| 29. I accept that many evidence-based prevention and intervention approaches will require adaptation to be effective with LGBTQ youth and their families. | A | B | C |

HOW TO USE THIS CHECKLIST

This checklist is intended to heighten the awareness and sensitivity of personnel to the importance of cultural diversity and cultural competence in human settings. It provides concrete examples of the kinds of values and practices that foster such an environment. There is no answer key with correct responses.

If, however, you frequently responded “C”, you may consider advocating for values-based policies, and implementing practices that promote a diverse and culturally and linguistically competent service delivery system for LGBTQ children/youth and their families who require health, behavioral health, or other services and supports.

Fisher, Sylvia K., Poirier, Jeffrey M., Blau, Gary M. 2012. Improving Emotional & Behavioral Outcomes for LGBT Youth: A Guide for Professionals. Baltimore, Maryland: Paul H. Brooks Publishing Co.

Adapted from Goode, T.D. (2009). Promoting Cultural Diversity and Cultural Competency: Self- Assessment Checklist for Personnel Providing Behavioral Health Services and Supports to Children, Youth and Their Families. Washington, DC: National Center for Cultural Competence (NCCC), Georgetown University Center for Child and Human Development (GUCCHD). © 2009 NCCC GUCCHD

Smart Emily for 15/17
+ you're } *2 hours*
510F

1/14/2015

LGBTQ 102 / Policies and Best Practices for Youth Programs

Cindy Watson, Executive Director
Emily Rokosch, Director of Operations

What to expect today!

- About JASMYN
- LGBTQ Basics & Statistics
- Agency Assessment
- Benchmarks for LGBT Cultural Competency
- Resources
- Questions

JASMYN - Health Services

- Onsite STD Clinic
- HIV Testing & Counseling
- Health Education & Outreach
- Risk Reduction Counseling

JASMYN - Safety Net

- Drop-In Center
- Youth Development Programming
- Support Groups
- Food & Personal Hygiene Pantry
- Case Management
- Crisis Intervention

JASMYN - Advocacy

- Corporate Roundtable
- Foster Care Consultation
- Gay Straight Alliance Support
- LGBT Diversity Trainings
- Community Roundtables

Why LGBTQ Cultural Competency


Family Rejection

- More than 8 times as likely to have attempted suicide
- Nearly 6 times as likely to report high levels of depression
- More than 3 times as likely to use illegal drugs
- More than 3 times as likely to be at high risk for HIV and STDs.

Why LGBTQ Cultural Competency

High Risk

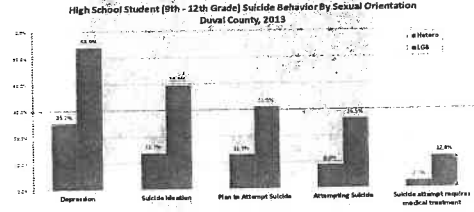
- o 30-40% of homeless youth identify as LGBT
- o Gay and Bisexual youth are at higher risk for HIV and STI's
- o Encounter bullying and harassment in schools
- o High risk for substance use/abuse



Why LGBTQ Cultural Competency

Duval County YRBS 2013

High School Student (9th - 12th Grade) Suicide Behavior By Sexual Orientation
Duval County, 2013




Behavior	LGBT (%)	Hetero (%)
Depression	31.7%	12.9%
Suicide ideation	18.7%	10.4%
Plan to attempt suicide	10.7%	4.5%
Attempting suicide	8.8%	3.3%
Suicide attempt requires medical treatment	12.6%	3.3%

Self-Assessment Checklist for Personnel Providing Services and Supports the LGBTQ Youth and Their Families


L=Lesbian G= Gay B= Bisexual T= Transgender

There is no wrong or right answer!



About the 10 Benchmarks

Human Rights Campaign (HRC)



All Children All Families is a project of the Human Rights Campaign Foundation. It provides a framework for agencies to achieve safety, permanency and well-being by improving their practice with lesbian, gay, bisexual and transgender youth and families.

Achieving Safety, Permanency and Well-Being by Improving Practice with LGBT Youth and Families

"Leaders in Supporting and Serving LGBT Youth & Families" and awarded the Seal of Recognition

1. Client Non-Discrimination

- No person shall, on the basis of a person's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity or in any employment conditions or practices conducted by this School District, except as provided by law. - *DCPS Non-Discrimination Policy*
- The Division will not preclude a person from being a foster parent based solely on their culture, religion, race, ethnicity, gender, sexual orientation, gender identity or gender expression, affectional orientation, or marital/civil union or domestic partnership status. - *New Jersey Dept. of Children and Families, Division of Child Protection and Permanency, Trenton, NJ, "Be a Foster Parent"*


2. Employment Non-Discrimination

- All Employees are protected and may file a discrimination complaint if they perceive that they have been discriminated against based on race, color, religion, national origin, ancestry, physical disability, mental disability, medical condition, marital status, gender identity, age (persons at least 40 years old), sex (including pregnancy and conduct of a sexual nature), sexual orientation, denial of reasonable accommodation, and Family Medical Leave Act (FMLA). - *Los Angeles County Department of Children and Family Services, Pasadena, CA, "Non-Discrimination Policy"*
- The policy of JASMYN is to provide equal employment opportunity to all qualified employees and applicants for employment regardless of race, sex, age, sexual orientation, gender identity and expression, religion, national origin, disability, marital status, or any other category protected by law. JASMYN prohibits discrimination based on actual or perceived race, sex, age, sexual orientation, gender identity and expression, religion, national origin, disability, marital status, or any other category protected by law in employment and in all client programs and services. - *JASMYN*

1/14/2015

3. Organizational Partnerships and Non-Discrimination


- Adoption Resource Associates does not discriminate on the basis of gender identity, gender expression, or sexual orientation. This agreement ensures that contractors adhere to their nondiscriminatory policies and procedures. - Adoption Resource Associates, Cambridge, MA, "Non-Discrimination Agreement"



4. Agency Forms


It is all about the language!

- Partner
- Gender Identity
- Male
- Female
- Transgender
- MTF
- Parent #1
- Parent #2



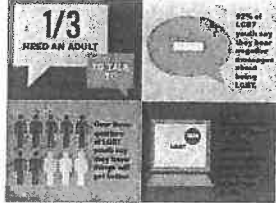
5. Staff Training

- LGBT 101
- Transgender 101
- LGBT specific conferences
- LGBT Events
- Open discussions about LGBT issues



6. Staff Advocates

- Champions for LGBT!
- Barrier Busters
- Allies



7. Client Advisory Boards & Community Expertise


8. Agency Environment & External Communications




9. Training & Support for Resource Families

Family Resources

- www.advocatesforyouth.org
- www.pflag.org
- www.colage.org
- www.trevorproject.org
- www.genderspectrum.org



10. Client Services & Referrals

- Are the agencies you refer clients to safe for LGBT youth?
- Is there a LGBT Ally at the organization?
- Is everyone informed about LGBT inclusive policies?



Additional Resources

- **Family Acceptance Project:** <http://familyproject.sfsu.edu/>
- **Human Rights Campaign All Children All Families:** <http://www.hrc.org/resources/entry/all-children-all-families-about-the-initiative>
- **GLSEN:** <http://www.glsen.org/>
- **National Best Practices serving homeless LGBT Youth** <http://www.f2f.ca.gov/res/pdf/NationalRecommended.pdf>
- **CWLA Best Practices:** <http://www.ncirights.org/wp-content/uploads/2013/07/bestpracticeslgbyouth.pdf>
- **APA Best Practices LGBT:** <https://www.apa.org/pi/lgbt/resources/promoting-good-practices.aspx>

Questions?

Cindy Watson
Executive Director
cwatson@jasmyn.org
904-389-3857

Emily Rokosch
Director of Operations
erokosch@jasmyn.org
904-389-3857 ex 212



TOP 10 WAYS JASMYN CAN SUPPORT YOUR GAY STRAIGHT ALLIANCE (GSA)

1. We can bring **resources & information** about JASMYN to your GSA! Who we are – What we do - How you can get involved!
2. We can bring a **button maker** to help you create GSA Pride.
3. You can organize a **GSA Field Trip** to visit the JASMYN house!
4. We can provide educational programming to help you educate your school on LGBT issues. Ex: LGBTQA Bingo, GSA Trivia, & GSA 101: Your Rights & Responsibilities.
5. You can visit our website for great GSA resources. www.jasmyn.org
6. You can participate in our **Annual JASMYN Prom!**
7. We can provide safe space stickers to your teachers & school administrators.
8. You can join JASMYN on **Facebook** for updates and information about what is happening.
9. You can call our Gay Youth Information Line for support or give the number to a friend: **(904)389-0089**.
10. We can connect you with other great LGBT **community resources**.



**GAY
STRAIGHT
ALLIANCE**
Student Support

FUN THINGS TO DO AS A GSA!

Movie Night

Show an LGBT themed film or documentary at your next meeting. Have a discussion about it afterward!

Host a BBQ or Picnic

Work with the JASMYN GSA Network to involve the other GSAs in your area for a potluck picnic or BBQ.

Plan a Pride Dance or go to a LGBTQ dance in your area

Dances can be a great way to bring GSA members together and reach out to the school community, and Pride Proms are the highlight of the year's social activities for many GSAs. You don't have to plan your own! JASMYN hosts a Gay Prom every year

Plan Outdoor Activities

Meet at a park to play frisbee, softball, flag football, or whatever you want. These activities can be combined with a BBQ and are a great way to network and socialize with other GSAs. Or plan a hiking or camping trip.

Arts and Crafts

Get together after school or during lunch and make your own pride gear, a banner to use in marches, personalized buttons, or art to display in the library and display cases. **Ask to borrow JASMYN's button maker**

Hold a Pride Party (or any party!)

Who needs a good excuse to party?! Make it your GSA Coming Out Party. Be creative with food and decorations – The possibilities are endless. Ex: "I'm a Queen you're a Queen" Ice Cream Social!!!

Host a Bake Sale.

Raise awareness about your GSA while making some extra money for GSA events.

Plan or go to local rallies, LGBT events or lobbying events

It is always exciting to actively make change! There are always rallies and lobbying events you can find out about or learn from others on how to plan your own!

Host an awareness day at your school

Bring speakers, host workshops, have entertainment, and raise awareness about LGBTQ issues at your school! Awareness days can be anytime or around LGBT specific events such as Ally Week, Day of Silence, Harvey Milk Day or Transgender Day of Remembrance.



923 Peninsular Place Jacksonville, FL 32204
904-389-3857 • www.jasmyn.org



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Answers to Your Questions About Transgender Individuals and Gender Identity

What does transgender mean?

Transgender is an umbrella term used to describe people whose gender identity (sense of themselves as male or female) or gender expression differs from that usually associated with their birth sex. Many transgender people live part-time or full-time as members of the other gender. Broadly speaking, anyone whose identity, appearance, or behavior falls outside of conventional gender norms can be described as transgender. However, not everyone whose appearance or behavior is gender-atypical will identify as a transgender person.

What is the difference between sex and gender?

Sex refers to biological status as male or female. It includes physical attributes such as sex chromosomes, gonads, sex hormones, internal reproductive structures, and external genitalia. *Gender* is a term that is often used to refer to ways that people act, interact, or feel about themselves, which are associated with boys/men and girls/women. While aspects of biological sex are the same across different cultures, aspects of gender may not be.

What are some categories or types of transgender people?

Transsexuals are transgender people who live or wish to live full time as members of the gender opposite to their birth sex. Biological females who wish to live and be recognized as men are called female-to-male (FTM) transsexuals or transsexual men. Biological males who wish to live and be recognized as women are called male-to-female (MTF) transsexuals or transsexual women. Transsexuals usually seek medical interventions, such as hormones and surgery, to make their bodies as congruent as possible with their preferred gender. The process of transitioning from one gender to the other is called sex reassignment or gender reassignment.

Cross-dressers or transvestites comprise the most numerous transgender group. Cross-dressers wear the clothing of the other sex. They vary in how completely they dress (from one article of clothing to fully cross-dressing) as well as in their motives for doing so. Some cross-dress to express cross-gender feelings or identities; others cross-dress for fun, for emotional comfort, or for sexual arousal. The great majority of cross-dressers are biological males, most of whom are sexually attracted to women.

Drag queens and drag kings are, respectively, biological males and females who present part-time as members of the other sex primarily to perform or entertain. Their performances may include singing, lip-syncing, or dancing. Drag performers may or may not identify as transgender. Many drag queens and kings identify as gay, lesbian, or bisexual.

Other categories of transgender people include *androgynous*, *bigendered*, and *gender queer* people. Exact definitions of these terms vary from person to person, but often include a sense of blending or alternating genders. Some people who use these terms to describe themselves see traditional concepts of gender as restrictive.

Have transgender people always existed?

Transgender persons have been documented in many Western and non-Western cultures and societies from antiquity until the present day. However, the meaning of gender variance may vary from culture to culture.

Why are some people transgender?

There is no one generally accepted explanation for why some people are transgender. The diversity of transgender expression argues against any simple or unitary explanation. Many experts believe that biological factors such as genetic influences and prenatal hormone levels, early experiences in a person's family of origin, and other social influences can all contribute to the development of transgender behaviors and identities.

How prevalent are transgender people?

It is difficult to accurately estimate the prevalence of transgender people in Western countries. As many as 2-3% of biological males engage in cross-dressing, at least occasionally. Current estimates of the prevalence of transsexualism are about 1 in 10,000 for biological males and 1 in 30,000 for biological females. The number of people in other transgender categories is unknown.

What is the relationship between transgender and sexual orientation?

People generally experience gender identity and sexual orientation as two different things. Sexual orientation refers to one's sexual attraction to men, women, both,

or neither, whereas gender identity refers to one's sense of oneself as male, female, or transgender. Usually people who are attracted to women prior to transition continue to be attracted to women after transition, and people who are attracted to men prior to transition continue to be attracted to men after transition. That means, for example, that a biologic male who is attracted to females will be attracted to females after transitioning, and she may regard herself as a lesbian.

How do transgender people experience their transgender feelings?

Transgender people experience their transgender feelings in a variety of ways. Some can trace their transgender identities or gender-atypical attitudes and behaviors back to their earliest memories. Others become aware of their transgender identities or begin to experience gender-atypical attitudes and behaviors much later in life. Some transgender people accept or embrace their transgender feelings, while others struggle with feelings of shame or confusion. Some transgender people, transsexuals in particular, experience intense dissatisfaction with their birth sex or with the gender role associated with that sex. These individuals often seek sex reassignment.

What should parents do if their child appears to be transgender or gender-atypical?

Parents may be concerned about a child who appears to be gender-atypical for a variety of reasons. Some children express a great deal of distress about their assigned gender roles or the sex of their bodies. Some children experience difficult social interactions with peers and adults because of their gender expression. Parents may become concerned when what they believed to be a "phase" does not seem to pass. Parents of gender-atypical children may need to work with schools and other institutions to address their children's particular needs and to ensure their children's safety. It is often helpful to consult with a mental health professional familiar with gender issues in children to decide how to best address these concerns. In most cases it is not helpful to simply force the child to act in a more gender-typical way. Peer support from other parents of gender variant children may also be helpful.

How do transsexuals transition from one gender to the other?

Transitioning from one gender to another is a complex process. People who transition often start by expressing their preferred gender in situations where they feel safe. They typically work up to living full-time as members of their preferred gender, by making many changes a little at a time.

Gender transition typically involves adopting the appearance of the desired sex through changes in clothing and grooming, adoption of a name typical of the desired sex, change of sex designation on identity docu-

ments, treatment with cross-sex hormones, surgical alteration of secondary sex characteristics to approximate those of the desired sex, and in biological males, removal of facial hair with electrolysis or laser treatments. Finding a qualified mental health professional to provide guidance and referrals to other helping professionals is often an important first step in gender transition. Connecting with other transgender people through peer support groups and transgender community organizations is also very helpful.

The Harry Benjamin International Gender Dysphoria Association (HBIIGDA), a professional organization devoted to the treatment of transgender people, publishes *The Standards of Care for Gender Identity Disorders*, which offers recommendations for the provision of sex reassignment procedures and services.

Is being transgender a mental disorder?

A psychological condition is considered a mental disorder only if it causes distress or disability. Many transgender people do not experience their transgender feelings and traits to be distressing or disabling, which implies that being transgender does not constitute a mental disorder per se. For these people, the significant problem is finding the resources, such as hormone treatment, surgery, and the social support they need, in order to express their gender identity and minimize discrimination. However, some transgender people do find their transgender feelings to be distressing or disabling. This is particularly true of transsexuals, who experience their gender identity as incongruent with their birth sex or with the gender role associated with that sex. This distressing feeling of incongruity is called *gender dysphoria*.

According to the diagnostic standards of American psychiatry, as set forth in the *Diagnostic and Statistical Manual of Mental Disorders*, people who experience intense, persistent gender dysphoria can be given the diagnosis of *Gender Identity Disorder*. This diagnosis is highly controversial among some mental health professionals and transgender people. Some contend that the diagnosis inappropriately pathologizes gender variance and should be eliminated. Others argue that, because the health care system in the United States requires a diagnosis to justify medical or psychological treatment, it is essential to retain the diagnosis to ensure access to care.

What kinds of mental health problems do transgender people face?

Transgender people experience the same kinds of mental health problems that nontransgender people do. However, the stigma, discrimination, and internal conflict that many transgender people experience may place them at increased risk for certain mental health problems. Discrimination, lack of social support, and inadequate access to care can exacerbate mental health problems in transgender people, while support from

peers, family, and helping professionals may act as protective factors.

What kinds of discrimination do transgender people face?

Antidiscrimination laws in most U.S. cities and states do not protect transgender people from discrimination based on gender identity or gender expression.

Consequently, transgender people in most cities and states can be denied housing or employment, lose custody of their children, or have difficulty achieving legal recognition of their marriages, solely because they are transgender. Many transgender people are the targets of hate crimes. The widespread nature of discrimination based on gender identity and gender expression can cause transgender people to feel unsafe or ashamed, even when they are not directly victimized.

How can I be supportive of transgender family members, friends, or significant others?

- Educate yourself about transgender issues.
- Be aware of your attitudes concerning people with gender-atypical appearance or behavior.
- Use names and pronouns that are appropriate to the person's gender presentation and identity; if in doubt, ask their preference.
- Don't make assumptions about transgender people's sexual orientation, desire for surgical or hormonal treatment, or other aspects of their identity or transition plans. If you have a reason to need to know, ask.
- Don't confuse gender dysphoria with gender expression: Gender-dysphoric males may not always appear stereotypically feminine, and not all gender-variant men are gender-dysphoric; gender-dysphoric females

- may not always appear stereotypically masculine, and not all gender-variant women are gender-dysphoric.
- Keep the lines of communication open with the transgender person in your life.
- Get support in processing your own reactions. It can take some time to adjust to seeing someone who is transitioning in a new way. Having someone close to you transition will be an adjustment and can be challenging, especially for partners, parents, and children.
- Seek support in dealing with your feelings. You are not alone. Mental health professionals and support groups for family, friends, and significant others of transgender people can be useful resources.

Where can I find more information about transgender issues?

American Psychological Association
750 First Street, NE
Washington DC, 20002
202-336-5500
lgbc@apa.org (e-mail)
www.apa.org/pi/lgbc/transgender

The Harry Benjamin International Gender Dysphoria Association, Inc.
World Professional Association of Transgender
1300 South Second Street, Suite 180
Minneapolis, MN 55454
612-624-9397
612-624-9541 (fax)
hbigda@hbigda.org (e-mail)
www.hbigda.org

FTMInternational (FTM means Female-to-Male)
740A 14th St. #216
San Francisco, CA 94114
877-267-1440
info@ftmi.org (e-mail)
www.ftmi.org

Gender Public Advocacy Coalition
1743 Connecticut Ave., NW
Fourth Floor
Washington, DC 20009
202-462-6610
gpac@gpac.org (e-mail)
www.gpac.org

National Center for Transgender Equality
1325 Massachusetts Ave., Suite 700
Washington, DC 20005
202-903-0112
202-393-2241 (fax)
www.nctequality.org

Parents, Families, and Friends of Lesbians and Gays (PFLAG) Transgender Network (TNET)
1726 M Street, NW
Suite 400
Washington, DC 20036
202-467-8180
info@pflag.org (e-mail)
www.pflag.org/TNET.tnet.0.html

Sylvia Rivera Law Project
322 8th Avenue
3rd Floor
New York, NY 10001
212-337-8550
212-337-1972 (fax)
www.srlp.org

Transgender Law Center
870 Market Street
Room 823
San Francisco, CA 94102
415-865-0176
info@transgenderlawcenter.org (e-mail)
www.transgenderlawcenter.org



**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**

750 First Street, NE
Washington, DC 20002-4242

Office of Public Communications
202-336-5700
TDD: 202-336-6123
www.apa.org

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AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Answers to Your Questions

FOR A BETTER UNDERSTANDING OF SEXUAL ORIENTATION & HOMOSEXUALITY

Since 1975, the American Psychological Association has called on psychologists to take the lead in removing the stigma of mental illness that has long been associated with lesbian, gay, and bisexual orientations. The discipline of psychology is concerned with the well-being of people and groups and therefore with threats to that well-being. The prejudice and discrimination that people who identify as lesbian, gay, or bisexual regularly experience have been shown to have negative psychological effects. This pamphlet is designed to provide accurate information for those who want to better understand sexual orientation and the impact of prejudice and discrimination on those who identify as lesbian, gay, or bisexual.

What is sexual orientation?

Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions. Research over several decades has demonstrated that sexual orientation ranges along a continuum, from exclusive attraction to the other sex to exclusive attraction to the same sex. However, sexual orientation is usually discussed in terms of three categories: heterosexual (having emotional, romantic, or sexual attractions to members of the other sex), gay/lesbian (having emotional, romantic, or sexual attractions to members of one's own sex), and bisexual (having emotional, romantic, or sexual attractions to both men and women). This range of behaviors and attractions has been described in various cultures and nations throughout the world. Many cultures use identity labels to describe people who express these attractions. In the United States the most frequent labels are *lesbians* (women attracted to women), *gay men* (men attracted to men), and *bisexual people* (men or women attracted to both sexes). However, some people may use different labels or none at all.

Sexual orientation is distinct from other components of sex and gender, including biological sex (the anatomical, physiological,

and genetic characteristics associated with being male or female), gender identity (the psychological sense of being male or female), and social gender role (the cultural norms that define feminine and masculine behavior).

Sexual orientation is commonly discussed as if it were solely a characteristic of an individual, like biological sex, gender identity, or age. This perspective is incomplete because sexual orientation is defined in terms of relationships with others. People express their sexual orientation through behaviors with others, including such simple actions as holding hands or kissing. Thus, sexual orientation is closely tied to the intimate personal relationships that meet deeply felt needs for love, attachment, and intimacy. In addition to sexual behaviors, these bonds include nonsexual physical affection between partners, shared goals and values, mutual support, and ongoing commitment. Therefore, sexual orientation is not merely a personal characteristic within an individual. Rather, one's sexual orientation defines the group of people in which one is likely to find the satisfying and fulfilling romantic relationships that are an essential component of personal identity for many people.

How do people know if they are lesbian, gay, or bisexual?

According to current scientific and professional understanding, the core attractions that form the basis for adult sexual orientation typically emerge between middle childhood and early adolescence. These patterns of emotional, romantic, and sexual attraction may arise without any prior sexual experience. People can be celibate and still know their sexual orientation—be it lesbian, gay, bisexual, or heterosexual.

Different lesbian, gay, and bisexual people have very different experiences regarding their sexual orientation. Some people know that they are lesbian, gay, or bisexual for a long

This pamphlet is part of a series of materials developed by the American Psychological Association and the American Psychiatric Association to help people understand and support their sexual orientation and gender identity.

time before they actually pursue relationships with other people. Some people engage in sexual activity (with same-sex and/or other-sex partners) before assigning a clear label to their sexual orientation. Prejudice and discrimination make it difficult for many people to come to terms with their sexual orientation identities, so claiming a lesbian, gay, or bisexual identity may be a slow process.

What causes a person to have a particular sexual orientation?

There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay, or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation.

What role do prejudice and discrimination play in the lives of lesbian, gay, and bisexual people?

Lesbian, gay, and bisexual people in the United States encounter extensive prejudice, discrimination, and violence because of their sexual orientation. Intense prejudice against lesbians, gay men, and bisexual people was widespread throughout much of the 20th century. Public opinion studies over the 1970s, 1980s, and 1990s routinely showed that, among large segments of the public, lesbian, gay, and bisexual people were the target of strongly held negative attitudes. More recently, public opinion has increasingly opposed sexual orientation discrimination, but expressions of hostility toward lesbians and gay men remain common in contemporary American society. Prejudice against bisexuals appears to exist at comparable levels. In fact, bisexual individuals may face discrimination from some lesbian and gay people as well as from heterosexual people.

Sexual orientation discrimination takes many forms. Severe antigay prejudice is reflected in the high rate of harassment and violence directed toward lesbian, gay, and bisexual individuals in American society. Numerous surveys indicate that verbal harassment and abuse are nearly universal experiences

among lesbian, gay, and bisexual people. Also, discrimination against lesbian, gay, and bisexual people in employment and housing appears to remain widespread.

The HIV/AIDS pandemic is another area in which prejudice and discrimination against lesbian, gay, and bisexual people have had negative effects. Early in the pandemic, the assumption that HIV/AIDS was a "gay disease" contributed to the delay in addressing the massive social upheaval that AIDS would generate. Gay and bisexual men have been disproportionately affected by this disease. The association of HIV/AIDS with gay and bisexual men and the inaccurate belief that some people held that all gay and bisexual men were infected served to further stigmatize lesbian, gay, and bisexual people.

What is the psychological impact of prejudice and discrimination?

Prejudice and discrimination have social and personal impact. On the social level, prejudice and discrimination against lesbian, gay, and bisexual people are reflected in the everyday stereotypes of members of these groups. These stereotypes persist even though they are not supported by evidence, and they are often used to excuse unequal treatment of lesbian, gay, and bisexual people. For example, limitations on job opportunities, parenting, and relationship recognition are often justified by stereotypic assumptions about lesbian, gay, and bisexual people.

On an individual level, such prejudice and discrimination may also have negative consequences, especially if lesbian, gay, and bisexual people attempt to conceal or deny their sexual orientation. Although many lesbians and gay men learn to cope with the social stigma against homosexuality, this pattern of prejudice can have serious negative effects on health and well-being. Individuals and groups may have the impact of stigma reduced or worsened by other characteristics, such as race, ethnicity, religion, or disability. Some lesbian, gay, and bisexual people may face less of a stigma. For others, race, sex, religion, disability, or other characteristics may exacerbate the negative impact of prejudice and discrimination.

The widespread prejudice, discrimination, and violence to which lesbians and gay men are often subjected are significant mental health concerns. Sexual prejudice, sexual orientation discrimination, and antigay violence are major



sources of stress for lesbian, gay, and bisexual people. Although social support is crucial in coping with stress, antigay attitudes and discrimination may make it difficult for lesbian, gay, and bisexual people to find such support.

Is homosexuality a mental disorder?

No, lesbian, gay, and bisexual orientations are not disorders. Research has found no inherent association between any of these sexual orientations and psychopathology. Both heterosexual behavior and homosexual behavior are normal aspects of human sexuality. Both have been documented in many different cultures and historical eras. Despite the persistence of stereotypes that portray lesbian, gay, and bisexual people as disturbed, several decades of research and clinical experience have led all mainstream medical and mental health organizations in this country to conclude that these orientations represent normal forms of human experience. Lesbian, gay, and bisexual relationships are normal forms of human bonding. Therefore, these mainstream organizations long ago abandoned classifications of homosexuality as a mental disorder.

What about therapy intended to change sexual orientation from gay to straight?

All major national mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation. To date, there has been no scientifically adequate research to show that therapy aimed at changing sexual orientation (sometimes called reparative or conversion therapy) is safe or effective. Furthermore, it seems likely that the promotion of change therapies reinforces stereotypes and contributes to a negative climate for lesbian, gay, and bisexual persons. This appears to be especially likely for lesbian, gay, and bisexual individuals who grow up in more conservative religious settings.

Helpful responses of a therapist treating an individual who is troubled about her or his same-sex attractions include helping that person actively cope with social prejudices against homosexuality, successfully resolve issues associated with and resulting from internal conflicts, and actively lead a happy and satisfying life. Mental health professional organizations call on their members to respect a person's (client's) right to self-determination; be sensitive to the client's race, culture, ethnicity, age, gender, gender identity, sexual orientation, religion, socioeconomic status, language, and disability status when working with that client; and eliminate biases based on these factors.

What is "coming out" and why is it important?

The phrase "coming out" is used to refer to several aspects of lesbian, gay, and bisexual persons' experiences: self-awareness of same-sex attractions; the telling of one or a few people about these attractions; widespread disclosure of same-sex attractions; and identification with the lesbian, gay, and bisexual community. Many people hesitate to come out because of the risks of meeting prejudice and discrimination. Some choose to keep their identity a secret; some choose to come out in limited circumstances; some decide to come out in very public ways.

Coming out is often an important psychological step for lesbian, gay, and bisexual people. Research has shown that feeling positively about one's sexual orientation and integrating it into one's life fosters greater well-being and mental health. This integration often involves disclosing one's identity to others; it may also entail participating in the gay community. Being able to discuss one's sexual orientation with others also increases the availability of social support, which is crucial to mental health and psychological well-being. Like heterosexuals, lesbians, gay men, and bisexual people benefit from being able to share their lives with and receive support from family, friends, and acquaintances. Thus, it is not surprising that lesbians and gay men who feel they must conceal their sexual orientation report more frequent mental health concerns than do lesbians and gay men who are more open; they may even have more physical health problems.

What about sexual orientation and coming out during adolescence?

Adolescence is a period when people separate from their parents and families and begin to develop autonomy. Adolescence can be a period of experimentation, and many youths may question their sexual feelings. Becoming aware of sexual feelings is a normal developmental task of adolescence. Sometimes adolescents have same-sex feelings or experiences that cause confusion about their sexual orientation. This confusion appears to decline over time, with different outcomes for different individuals.

Some adolescents desire and engage in same-sex behavior but do not identify as lesbian, gay, or bisexual, sometimes because of the stigma associated with a nonheterosexual orientation. Some adolescents experience continuing feelings of same-sex attraction but do not engage in any sexual activity or may engage in heterosexual behavior for varying lengths of time. Because of the

stigma associated with same-sex attractions, many youths experience same-sex attraction for many years before becoming sexually active with partners of the same sex or disclosing their attractions to others.

For some young people, this process of exploring same-sex attractions leads to a lesbian, gay, or bisexual identity. For some, acknowledging this identity can bring an end to confusion. When these young people receive the support of parents and others, they are often able to live satisfying and healthy lives and move through the usual process of adolescent development. The younger a person is when she or he acknowledges a nonheterosexual identity, the fewer internal and external resources she or he is likely to have. Therefore, youths who come out early are particularly in need of support from parents and others.

Young people who identify as lesbian, gay, or bisexual may be more likely to face certain problems, including being bullied and having negative experiences in school. These experiences are associated with negative outcomes, such as suicidal thoughts, and high-risk activities, such as unprotected sex and alcohol and drug use. On the other hand, many lesbian, gay, and bisexual youths appear to experience no greater level of health or mental health risks. Where problems occur, they are closely associated with experiences of bias and discrimination in their environments. Support from important people in the teen's life can provide a very helpful counterpart to bias and discrimination.

Support in the family, at school, and in the broader society helps to reduce risk and encourage healthy development. Youth need caring and support, appropriately high expectations, and the encouragement to participate actively with peers. Lesbian, gay, and bisexual youth who do well despite stress—like all adolescents who do well despite stress—tend to be those who are socially competent, who have good problem-solving skills, who have a sense of autonomy and purpose, and who look forward to the future.

In a related vein, some young people are presumed to be lesbian, gay, or bisexual because they don't abide by traditional gender roles (i.e., the cultural beliefs about what is appropriate "masculine" and "feminine" appearance and behavior). Whether these youths identify as heterosexual or as lesbian,

gay, or bisexual, they encounter prejudice and discrimination based on the presumption that they are lesbian, gay, or bisexual. The best support for these young people is school and social climates that do not tolerate discriminatory language and behavior.

At what age should lesbian, gay, or bisexual youths come out?

There is no simple or absolute answer to this question. The risks and benefits of coming out are different for youths in different circumstances. Some young people live in families where support for their sexual orientation is clear and stable; these youths may encounter less risk in coming out, even at a young age. Young people who live in less supportive families may face more risks in coming out. All young people who come out may experience bias, discrimination, or even violence in their schools, social groups, work places, and faith communities. Supportive families, friends, and schools are important buffers against the negative impacts of these experiences.

What is the nature of same-sex relationships?

Research indicates that many lesbians and gay men want and have committed relationships. For example, survey data indicate that between 40% and 60% of gay men and between 45% and 80% of lesbians are currently involved in a romantic relationship. Further, data from the 2000 U.S. Census indicate that of the 5.5 million couples who were living together but not married, about 1 in 9 (594,391) had partners of the same sex. Although the census data are almost certainly an underestimate of the actual number of cohabiting same-sex couples, they indicate that there are 301,026 male same-sex households and 293,365 female same-sex households in the United States.

Stereotypes about lesbian, gay, and bisexual people have persisted, even though studies have found them to be misleading. For instance, one stereotype is that the relationships of lesbians and gay men are dysfunctional and unhappy. However, studies have found same-sex and heterosexual couples to be equivalent to each other on measures of relationship satisfaction and commitment.

A second stereotype is that the relationships of lesbians, gay men and bisexual people are unstable. However, despite social hostility toward same-sex relationships, research shows

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that many lesbians and gay men form durable relationships. For example, survey data indicate that between 18% and 28% of gay couples and between 8% and 21% of lesbian couples have lived together 10 or more years. It is also reasonable to suggest that the stability of same-sex couples might be enhanced if partners from same-sex couples enjoyed the same levels of support and recognition for their relationships as heterosexual couples do, i.e., legal rights and responsibilities associated with marriage.

A third common misconception is that the goals and values of lesbian and gay couples are different from those of heterosexual couples. In fact, research has found that the factors that influence relationship satisfaction, commitment, and stability are remarkably similar for both same-sex cohabiting couples and heterosexual married couples.

Far less research is available on the relationship experiences of people who identify as bisexual. If these individuals are in a same-sex relationship, they are likely to face the same prejudice and discrimination that members of lesbian and gay couples face. If they are in a heterosexual relationship, their experiences may be quite similar to those of people who identify as heterosexual unless they choose to come out as bisexual; in that case, they will likely face some of the same prejudice and discrimination that lesbian and gay individuals encounter.

Can lesbians and gay men be good parents?

Many lesbians and gay men are parents; others wish to be parents. In the 2000 U.S. Census, 33% of female same-sex couple households and 22% of male same-sex couple households reported at least one child under the age of 18 living in the home. Although comparable data are not available, many single lesbians and gay men are also parents, and many same-sex couples are part-time parents to children whose primary residence is elsewhere.

As the social visibility and legal status of lesbian and gay parents have increased, some people have raised concerns about the well-being of children in these families. Most of these questions are based on negative stereotypes about lesbians and gay men. The majority of research on this topic asks whether children raised by lesbian and gay parents are at a disadvantage when compared to children raised by heterosexual parents. The most common questions and answers to them are these:

1 Do children of lesbian and gay parents have more problems with sexual identity than do children of heterosexual parents?

For instance, do these children develop problems in gender identity and/or in gender role behavior? The answer from research is clear: sexual and gender identities (including gender identity, gender-role behavior, and sexual orientation) develop in much the same way among children of lesbian mothers as they do among children of heterosexual parents. Few studies are available regarding children of gay fathers.

2 Do children raised by lesbian or gay parents have problems in personal development in areas other than sexual identity?

For example, are the children of lesbian or gay parents more vulnerable to mental breakdown, do they have more behavior problems, or are they less psychologically healthy than other children? Again, studies of personality, self-concept, and behavior problems show few differences between children of lesbian mothers and children of heterosexual parents. Few studies are available regarding children of gay fathers.

3 Are children of lesbian and gay parents likely to have problems with social relationships?

For example, will they be teased or otherwise mistreated by their peers? Once more, evidence indicates that children of lesbian and gay parents have normal social relationships with their peers and adults. The picture that emerges from this research shows that children of gay and lesbian parents enjoy a social life that is typical of their age group in terms of involvement with peers, parents, family members, and friends.

4 Are these children more likely to be sexually abused by a parent or by a parent's friends or acquaintances?

There is no scientific support for fears about children of lesbian or gay parents being sexually abused by their parents or their parents' gay, lesbian, or bisexual friends or acquaintances.

In summary, social science has shown that the concerns often raised about children of lesbian and gay parents—concerns that are generally grounded in prejudice against and stereotypes about gay people—are unfounded. Overall, the research indicates that the children of lesbian and gay parents do not differ markedly from the children of heterosexual parents in their development, adjustment, or overall well-being.

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What can people do to diminish prejudice and discrimination against lesbian, gay, and bisexual people?

Lesbian, gay, and bisexual people who want to help reduce prejudice and discrimination can be open about their sexual orientation, even as they take necessary precautions to be as safe as possible. They can examine their own belief systems for the presence of antigay stereotypes. They can make use of the lesbian, gay, and bisexual community—as well as supportive heterosexual people—for support.

Heterosexual people who wish to help reduce prejudice and discrimination can examine their own response to antigay stereotypes and prejudice. They can make a point of coming to know lesbian, gay, and bisexual people, and they can work with lesbian, gay, and bisexual individuals and communities to combat prejudice and discrimination. Heterosexual individuals are often in a good position to ask other heterosexual people to consider the prejudicial or discriminatory nature of their beliefs and actions. Heterosexual allies can encourage nondiscrimination policies that include sexual orientation. They can work to make coming out safe. When lesbians, gay men, and bisexual people feel free to make public their sexual orientation, heterosexuals are given an opportunity to have personal contact with openly gay people and to perceive them as individuals.

Studies of prejudice, including prejudice against gay people, consistently show that prejudice declines when members of the majority group interact with members of a minority group. In keeping with this general pattern, one of the most powerful influences on heterosexuals' acceptance of gay people is having personal contact with an openly gay person. Antigay attitudes are far less common among members of the population who have a close friend or family member who is lesbian or gay, especially if the gay person has directly come out to the heterosexual person.

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The American Psychological Association
750 First Street, NE
Washington, DC 20002

WHERE CAN I FIND MORE INFORMATION ABOUT HOMOSEXUALITY?

○ ○ **American Psychological Association**

Lesbian, Gay, Bisexual, and Transgender Concerns Office
750 First Street, NE, Washington, DC 20002
E-mail: lgbc@apa.org
<http://www.apa.org/pi/lgbc/>

○ ○ **Mental Health America** (formerly the National Mental Health Association)

2000 N. Beauregard Street, 6th Floor
Alexandria, VA 22311
Main Switchboard: (703) 684-7722
Toll-free: (800) 969-6MHA (6642)
TTY: (800) 433-5959
Fax: (703) 684-5968
<http://www.nmha.org/go/home>

What Does Gay Mean? How to Talk With Kids About Sexual Orientation and Prejudice

An anti-bullying program designed to improve understanding and respect for youth who are gay/lesbian/bisexual/transgender (GLBT). Centered on an educational booklet called *What Does Gay Mean? How to Talk with Kids About Sexual Orientation and Prejudice*, the program encourages parents and others to communicate and share values of respect with their children.

○ ○ **American Academy of Pediatrics (AAP)**

Division of Child and Adolescent Health
141 Northwest Point Blvd.
Elk Grove Village, IL 60007
Office: (847) 228-5005
Fax: (847) 228-5097
<http://www.aap.org>

Gay, Lesbian, and Bisexual Teens: Facts for Teens and Their Parents

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7th Annual Teaching Respect For All

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**Thank you for your participation in the 7th Annual Teaching Respect for All:
Creating Safe Schools for Lesbian, Gay, Bisexual & Transgender Students!**

Teaching Respect for All conference aims to provide current and prospective school teachers, counselors, social workers, and administrators with the knowledge and tools to successfully create a school culture where all people, including LGBT people, are respected, free to express themselves, and able to reach their full potential.

Thank you to our partners from Duval County Public Schools, Nan Worsowicz, Supervisor of School Counseling and Joni Shook, Counseling Specialist! This year's TRFA Conference is being held in collaboration with the DCPS 3rd Annual Duval County School Counseling Conference: Success by Design.

About our Keynote:

Patricia J. Martin, Johns Hopkins University Lecturer and Independent Educational Consultant

She is a nationally recognized leader in the reform of school counseling and efforts to design training opportunities to help practicing counselors become an integral part of the primary mission for schools. Pat has over 30 years of experience as a public school educator, having worked as a teacher, school counselor, supervisor of counselors, high school principal, chief educational administrator and assistant superintendent of schools in Prince George's County, Maryland.

Patricia has an extensive and productive history of involvement in national and state efforts working on issues related to large urban school districts, leadership, school counseling and academic equity for students for whom school systems have not served well in the past. She has been the developer and the manager of many institutional programs and system policies that directly impact the education and career options for these students in school districts.

About JASMYN:

The Mission of the Jacksonville Area Sexual Minority Youth Network (JASMYN) is to support and empower lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth by creating safe space, providing youth development services and bringing people and resources together to promote diversity and human rights. JASMYN is a non-profit youth organization for lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth ages 13-23.

About JASMYN's GSA Support:

Starting a Gay Straight Alliance or similar club in your school? JASMYN can help! Join the JASMYN GSA Network for access to GSA resource guides, LGBT Leadership retreats, Fun programs, events and more. JASMYN's GSA Network is a part of JASMYN's Student Support Program. JASMYN is a resource for ALL students thinking about or starting Gay Straight Alliances in their schools. If you would like JASMYN to visit your school or attend a GSA meeting contact Ace Canessa, JASMYN's Student Support Coordinator



2015 Teaching Respect for All: Creating Safe Schools for LGBT Students

Schedule at a Glance

7:15 AM Check-In & Registration

8:00 AM Welcome & Opening Remarks Nan Worsowicz, Supervisor of School Counseling
Cindy Watson, Executive Director, JASMYN

Keynote Patricia J. Martin

9:15 – 10:15 AM Break Out Sessions

Room A2103 - Tipping the Scales Toward Resiliency: What the YRBS LGB Data Tells Us About Supporting LGBT Students

Room A2105 - LGBT 102: Policies and Best Practices working with LGBTQ Youth

Room A2104 - GSA 101: Activating, organizing & supporting a Gay Straight Alliance

Room A2106 - LGBT College Student Panel: Listen and learn from UNF students talking about their path to higher education and the support services they needed in high school to make it to college

10:25 – 11:40 AM Break Out Sessions

Room A2106 - LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

Room A2103 - Supporting Transgender/Gender Nonconforming students

Room A2104 - GSA 101: Activating, organizing & supporting a Gay Straight Alliance

Room A2105 - Teaching Respect for All Feature Film: *Laverne Cox presents: the t word*

11:40 – 12:40 Lunch & Resource Fair (A wrist bands lunch 11:40-12:10, B wrist bands lunch 12:10-12:40)

12:50 – 1:50 PM Break Out Session

Room A2103 - Tipping the Scales Toward Resiliency: What the YRBS LGB Data Tells Us About Supporting LGBT Students

Room A2106 - LGBT College Student Panel: Listen and learn from UNF students talking about their path to higher education and the support services they needed in high school to make it to college

Room A2104 - Sustaining your GSA: Creating a culture of student leaders in your Gay Straight Alliance

Room A2105 - LGBT 102: Policies and Best Practices working with LGBTQ Youth

2:00 – 3:00 PM Break Out Session

Room A2106 - LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

Room A2104 - Sustaining your GSA: Creating a culture of student leaders in your Gay Straight Alliance

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3:15-5:00 PM Optional Networking and Social at Fionn MacCool's @ The Landing (2 Independent Drive #176, JAX, FL 32202)

Teaching Respect for All Break Out Session Descriptions & Locations

Tipping the Scales Toward Resiliency: What the YRBS LGB Data Tells Us About Supporting LGBT Students

Room A2103

Cindy Watson, Executive Director, JASMYN

The biannual Youth Risk Behavior Survey (YRBS) asked Duval County students to identify their sexual orientation for the first time in 2013. The data reveals that students who identify as gay, lesbian, bisexual or unsure report higher risks of bullying, suicide, violence, substance use and sexual behavior. This workshop will explore the factors that drive higher rates of risk for sexual minority students, and will engage educators in developing strategies to effectively support LGBT students that help them be safe, resilient and academically successful.

LGBT 102: Policies and Best Practices working with LGBTQ Youth

Room A2105

Emily Rokosch, Director of Operations, JASMYN

The workshop will increase awareness and understanding of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth and their health risks, and promote safe space for LGBTQ youth. The training will help agencies & classrooms create best practices and implement policies in environments that discourage bullying / rejection and promote acceptance of LGBTQ in youth development programs and other community settings.

GSA 101: Activating, Organizing & Supporting a Gay Straight Alliance

Room A2104

Randy Lessen, DCPS Teacher

In this workshop participants will learn about what a GSA is and how it benefits the entire school environment, how to help your students start a GSA, what GSA model is right for your school and how to overcome obstacles supporting students to start a GSA and your school or organization.

LGBT Student Panel: Listen and learn from LGBT youth & HIV positive youth talk about how HIV impacted and affected their lives

Room A2106

Sabrina Cluesman, Assistant Director of Services, JASMYN

JASMYN Youth Leaders

Did you know 1 in 13 Black/Gay/Bisexual men in Duval County has HIV? Did you know that school age youth 13-29 make up 30% of all new HIV infections among men? Did you also know for Black Transgender women the rates of HIV are even higher? Join us as we listen to the young people, dialogue on the challenges of the HIV epidemic in Jacksonville and discuss how we can mobilize for change both in the schools and in Jacksonville.

Supporting Transgender/Gender Nonconforming students

Room A2103

MJ Cranston, HIV Testing Coordinator, JASMYN

Bradley, Case Manager, JASMYN

Alyx, JASMYN Youth Leader

This workshop will increase participants awareness of key terminology and concepts relating to gender identity and expression, increase awareness of barriers transgender students face that impact academic success and review best practices and policies for gender inclusive schools.

Sustaining your GSA: Creating a Culture of Student Leaders in your Gay Straight Alliance

Room A2104

Jardyn Lake, Student Support Coordinator, JASMYN

Now that you have a GSA...how can you keep your students engaged, support emerging student leaders, and grow your GSA. Participants will be introduced to tools and resources to help facilitate engaging and fun GSA meetings including fundraising ideas, group activities and setting up a safe and welcoming environment for all participants.

LGBT College Student Panel & Experience

Room A2106

Timothy Jefferson, Assistant Director of Programs, JASMYN

Listen and learn from out LGBTQ college students talking about their path to higher education, their High School experience coming out as LGBT and the support services they needed to graduate and continue their educational success.

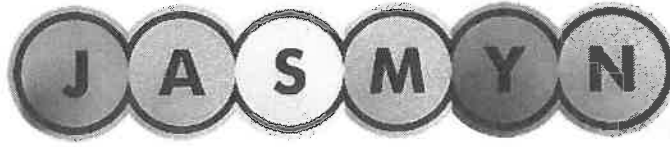
Teaching Respect for All Feature Film: *Laverne Cox presents: the t word*

Room A2105

Facilitated by: Ace Canessa, Outreach Specialist, JASMYN

"Actress and trans advocate Laverne Cox presents an eye-opening documentary about seven brave transgender youth who are showing the world what it means to defy expectations and live their lives - and truth - as authentically as possible."

In this breakout, we will explore the ways Laverne Cox's short documentary about young trans lives can be used as a tool in the classroom, as a way to discuss the oppressions trans folks face, while also looking at their daily lives.



Visit www.jasmyn.org for more information

Stay Involved!

Upcoming Community Events to Support JASMYN

February 22, 2015 @ 2:30 PM

Warm The New JASMYN House Party

April 18, 2015 @ 7:30 AM

4th Annual Strides for Pride 5K Run/Walk

Support LGBT Youth!

Upcoming LGBTQ Youth Events

May 15, 2015 @ 7:00 PM

Annual LGBTQ Youth Prom

April 18, 2015 @ 7:00 PM

4th Annual Strides for Pride 5K Run/Walk @ 7:30 AM


REGISTRATION IS OPEN!

Thank you for believing in LGBTQ Youth!


Emily Rokosch
emrokosch@jasmyn.org
(914) 389-3851

1/14/2015

LGBTQ 102 / Policies and Best Practices for Youth Programs




Cindy Watson, Executive Director
Emily Rokosch, Director of Operations




What to expect today!


- About JASMYN
- LGBTQ Basics & Statistics
- Agency Assessment
- Benchmarks for LGBT Cultural Competency
- Resources
- Questions



JASMYN - Health Services





- Onsite STD Clinic
- HIV Testing & Counseling
- Health Education & Outreach
- Risk Reduction Counseling





JASMYN - Safety Net

- Drop-In Center
- Youth Development Programming
- Support Groups
- Food & Personal Hygiene Pantry
- Case Management
- Crisis Intervention

JASMYN - Advocacy



- Corporate Roundtable
- Foster Care Consultation
- Gay Straight Alliance Support
- LGBT Diversity Trainings
- Community Roundtables

Why LGBTQ Cultural Competency

Family Rejection

- More than 8 times as likely to have attempted suicide
- Nearly 6 times as likely to report high levels of depression
- More than 3 times as likely to use illegal drugs
- More than 3 times as likely to be at high risk for HIV and STDs.

*

Why LGBTQ Cultural Competency

High Risk

- o 30-40% of homeless youth identify as LGBT
- o Gay and Bisexual youth are at higher risk for HIV and STI's
- o Encounter bullying and harassment in schools
- o High risk for substance use/abuse

Why LGBTQ Cultural Competency

Duval County YRBS 2013

High School Student (9th - 12th Grade) Suicide Behavior By Sexual Orientation Duval County, 2013

Category	Percentage
Depression	45.5%
Suicide Ideation	59.0%
Plan to Attempt Suicide	32.0%
Attempting Suicide	8.0%
Suicide attempt requires medical treatment	12.5%

For School District

Self-Assessment Checklist for Personnel Providing Services and Supports the LGBTQ Youth and Their Families

L=Lesbian G= Gay B= Bisexual T= Transgender

There is no wrong or right answer!

About the 10 Benchmarks

Human Rights Campaign (HRC)

All Children All Families is a project of the Human Rights Campaign Foundation. It provides a framework for agencies to achieve safety, permanency and well-being by improving their practice with lesbian, gay, bisexual and transgender youth and families.

Achieving Safety, Permanency and Well-Being by Improving Practice with LGBT Youth and Families

"Leaders in Supporting and Serving LGBT Youth & Families" and awarded the Seal of Recognition

1. Client Non-Discrimination

- No person shall, on the basis of a person's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity or in any employment conditions or practices conducted by this School District, except as provided by law - **DCPS Non-Discrimination Policy**
- The Division will not preclude a person from being a foster parent based solely on their culture, religion, race, ethnicity, gender, sexual orientation, gender identity or gender expression, affectional orientation, or marital/civil union or domestic partnership status - **New Jersey Dept. of Children and Families, Division of Child Protection and Permanency, Trenton, NJ, "Be a Foster Parent"**

2. Employment Non-Discrimination


- All Employees are protected and may file a discrimination complaint if they perceive that they have been discriminated against based on race, color, religion, national origin, ancestry, physical disability, mental disability, medical condition, marital status, **gender identity**, age (persons at least 40 years old), sex (including pregnancy and conduct of a sexual nature), **sexual orientation**, denial of reasonable accommodation, and Family Medical Leave Act (FMLA). - **Los Angeles County Department of Children and Family Services, Pasadena, CA, "Non-Discrimination Policy"**
- The policy of JASMYN is to provide equal employment opportunity to all qualified employees and applicants for employment regardless of race, sex, age, sexual orientation, gender identity and expression, religion, national origin, disability, marital status, or any other category protected by law. JASMYN prohibits discrimination based on actual or perceived race, sex, age, sexual orientation, gender identity and expression, religion, national origin, disability, marital status, or any other category protected by law in employment and in all client programs and services. - **JASMYN**

ADD: Sex orientation, gender identity, gender expression

1/14/2015

3. Organizational Partnerships and Non-Discrimination

- Adoption Resource Associates does not discriminate on the basis of gender identity, gender expression, or sexual orientation. This agreement ensures that contractors adhere to their nondiscriminatory policies and procedures - Adoption Resource Associates, Cambridge, MA, "Non-Discrimination Agreement"




How to Be an Ally

4. Agency Forms

It is all about the language!

- Partner
- Gender Identity
- Male
- Female
- Transgender
- MTF
- FTM
- Parent #1
- Parent #2




ie. Kids making Mothers Day/ fathers Day cards w/ 2 moms

Jasmyyn provide info

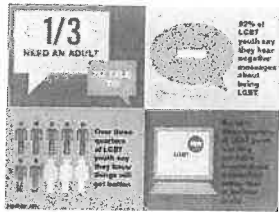
5. Staff Training

- LGBT 101
- Transgender 101
- LGBT specific conferences
- LGBT Events
- Open discussions about LGBT issues



6. Staff Advocates

- Champions for LGBT!
- Barrier Busters
- Allies



7. Client Advisory Boards & Community Expertise

invite M Brannon (SAB)


8. Agency Environment & External Communications




9. Training & Support for Resource Families

Family Resources

- www.advocatesforyouth.org
- www.pflag.org
- www.colage.org
- www.trevorproject.org
- www.genderspectrum.org



Let Jasmyyn to 101 staff (guidance etc)

pansexual
SJSB-DA PRR 002467 3

10. Client Services & Referrals

- Are the agencies you refer clients to safe for LGBT youth?
- Is there a LGBT Ally at the organization?
- Is everyone informed about LGBT inclusive policies?



Additional Resources

- **Family Acceptance Project:** <http://familyproject.sfsu.edu/>
- **Human Rights Campaign All Children All Families:** <http://www.hrc.org/resources/entry/all-children-all-families-about-the-initiative>
- **GLSEN:** <http://www.glsen.org/>
- **National Best Practices serving homeless LGBT Youth** <http://www.f2f.ca.gov/res/pdf/NationalRecommended.pdf>
- **CWLA Best Practices:** <http://www.nclrights.org/wp-content/uploads/2013/07/bestpracticeslgbtyouth.pdf>
- **APA Best Practices LGBT:** <https://www.apa.org/pi/lgbt/resources/promoting-good-practices.aspx>

Questions?

Cindy Watson
Executive Director
cwatson@jasmyn.org
904-389-3857

Emily Rokosch
Director of Operations
erokosch@jasmyn.org
904-389-3857 ex 212



*Jasmyn falls under
"confidential" for 1321
does not notify parents
w/out kid consent*

Self-Assessed Checklist for Personnel Providing Services and Supports to LGBTQ Youth and Their Families

RATING SCALE: Please select **A, B, or C** for each item listed below:
 A = I do this **frequently**, or the statement applies to me to a **great degree**
 B = I do this **occasionally**, or statement applies to me to a **moderate degree**
 C = I do this **rarely or never**, or statement applies to me to a **minimal degree or not at all.**

PHYSICAL ENVIRONMENT, MATERIALS, AND RESOURCES

- | | | | |
|---|----------|----------|----------|
| 1. I display pictures, posters and other materials that are inclusive of LGBTQ youth and their families served by my program/agency. | A | B | C |
| 2. I ensure that LGBTQ youth and families across diverse racial, ethnic, and cultural groups: | | | |
| • Have access to magazines, brochures, and other printed materials that are of interest to them. | A | B | C |
| • are reflected in media resources (e.g., videos, films, CD's, DVD's, websites) for health and behavioral health prevention, treatment, or other interventions. | A | B | C |
| 3. I ensure that printed/multimedia resources (e.g. photos, posters, magazines, brochures, videos, films, CD's, websites) are free of biased and negative content, language, or images about people who are LGBT. | A | B | C |
| 4. I screen books, movies, and other media resources for negative stereotypes about LGBTQ persons before sharing them with youth and their parents/families served by my program/agency. | A | B | C |

COMMUNICATION PRACTICES

- | | | | |
|--|----------|----------|----------|
| 5. I attempt to learn and use key words and terms that reflect 'youth culture' or LGBTQ youth culture, so that I communicate more effectively with youth during assessment, treatment, or other interventions. | A | B | C |
|--|----------|----------|----------|

6. I understand and respect that some youth may:
- choose not to identify as LGBT or prefer to use other terms to identify themselves. A B C
 - abandon use of all terms associated with sexual orientation/ gender identity or expression so as to remain “label free” A B C
7. I understand and apply the principles and practices of linguistic Competencies as they relate to LGBTQ populations within my program/ Agency, including the use of:
- preferred gender pronoun(s).
 - preferred proper names.
 - terms that reflect self-identity about sexual orientation/gender Identity. A B C
8. I advocate for the use of linguistically appropriate terminology for LGBTQ populations within:
- my program/agency.
 - systems that serve children, youth, and their families.
 - Professional and community organizations with which I am associated with. A B C

VALUES AND ATTITUDES

9. I avoid imposing values that may conflict or be inconsistent with those of LGBTQ culture or groups. A B C
10. In group therapy or treatment situations, I discourage the use of “hate speech” or slurs about sexual orientation/gender identity or expression by helping youth to understand that certain words can hurt others. A B C
11. I intervene appropriately when I observe others (i.e., staff, parents, family members, children, and youth) within my program/agency behave or speak about sexual orientation/gender identity or expression in ways that are insensitive, biased, or prejudiced. A B C
12. I understand and accept that family may be defined differently by LGBTQ Youth (e.g., extended family members, families of choice, friends, partners, fictive kin, godparents). A B C

13. I accept that LGBTQ youth, parents/family members may not always agree about who will make decisions about services and support for the youth. **A B C**
14. I recognize that LGBT identity has different connotations (negative, neutral, positive) within different racial, ethnic, and cultural groups. **A B C**
15. I accept that culture heavily influences responses by family members and others to youth who are LGBTQ, and to the provision of their care, treatment, services, and supports. **A B C**
16. I understand and respect that LGBTQ youth may conceal their sexual orientation/gender identity or expression within their own racial, ethnic, or cultural group. **A B C**
17. I accept and respect that LGBTQ youth may not express their gender according to culturally-defined societal expectations. **A B C**
18. I understand that age and life cycle factors including identity development, must be considered when interacting with LGBTQ youth and their families. **A B C**
19. I recognize that the meaning or value and behavioral health Prevention, intervention, and treatment may vary greatly among LGBTQ youth and their families. **A B C**
20. I understand that family members and others may believe that LGBTQ identity among youth is a mental illness, emotional disturbance/disability, or moral/character flaw. **A B C**
21. I understand the impact of stigma associated with mental illness, behavioral health services, and help-seeking behavior among LGBTQ youth and their families within cultural communities (e.g. communities defined by race or ethnicity, religiosity or spirituality, tribal affiliation, and/or geographic locale). **A B C**

22. I accept that religion, spirituality, and other beliefs may influence how families :

- Respond to a child or youth who identifies as LGBTQ. **A B C**
- View LGBTQ youth culture. **A B C**
- Approach a child or youth who is LGBTQ. **A B C**

23. I ensure that LGBTQ youth:

- Have appropriate access to events and activities conducted by by program/agency. **A B C**
- Participate in training (i.e. panel presentations, workshops, seminars, and other forums). **A B C**
- Participate on advisory boards, committees, and task forces. **A B C**

24. I ensure that members of “families of choice” identified by LGBTQ youth:

- Have appropriate access to event and activities conducted By my program/agency. **A B C**
- Participate in training (i.e. panel presentations, workshops, Seminars, and other forums). **A B C**
- Participate on advisory boards, committees and task forces. **A B C**

25. Before visiting or providing services and supports in the home setting, I seek information on acceptable behaviors, courtesies, customs, and expectations that are unique to:

- LGBTQ youth and their families **A B C**
- LGBTQ headed families **A B C**

26. I confer with LGBTQ youth, family members, key community informants, cultural brokers, and those who are knowledgeable about LGBTQ youth experience to:

- create or adapt service delivery models **A B C**
- implement services and supports **A B C**
- evaluate services and supports **A B C**
- plan community awareness, acceptance, and engagement initiatives . **A B C**

27. I advocate for the periodic review of the mission, policies, and procedures of my program/agency to ensure the full inclusion of all individuals regardless of their sexual orientation/gender identity or expression.

A B C

- | | | | |
|---|---|---|---|
| 28. I keep abreast of new developments in the research and practice literatures about appropriate interventions and approaches for working with LGBTQ youth and their families. | A | B | C |
| 29. I accept that many evidence-based prevention and intervention approaches will require adaptation to be effective with LGBTQ youth and their families. | A | B | C |

HOW TO USE THIS CHECKLIST


This checklist is intended to heighten the awareness and sensitivity of personnel to the importance of cultural diversity and cultural competence in human settings. It provides concrete examples of the kinds of values and practices that foster such an environment. There is no answer key with correct responses.

If, however, you frequently responded “C”, you may consider advocating for values-based policies, and implementing practices that promote a diverse and culturally and linguistically competent service delivery system for LGBTQ children/youth and their families who require health, behavioral health, or other services and supports.


Fisher, Sylvia K., Poirier, Jeffrey M., Blau, Gary M. 2012. Improving Emotional & Behavioral Outcomes for LGBT Youth: A Guide for Professionals. Baltimore, Maryland: Paul H. Brooks Publishing Co.

Adapted from Goode, T.D. (2009). Promoting Cultural Diversity and Cultural Competency: Self- Assessment Checklist for Personnel Providing Behavioral Health Services and Supports to Children, Youth and Their Families. Washington, DC: National Center for Cultural Competence (NCCC), Georgetown University Center for Child and Human Development (GUCCHD). © 2009 NCCC GUCCHD

LGBTQ 102 / Policies and Best Practices for Youth Programs




Cindy Watson, Executive Director
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Why LGBTQ Cultural Competency

Family Rejection

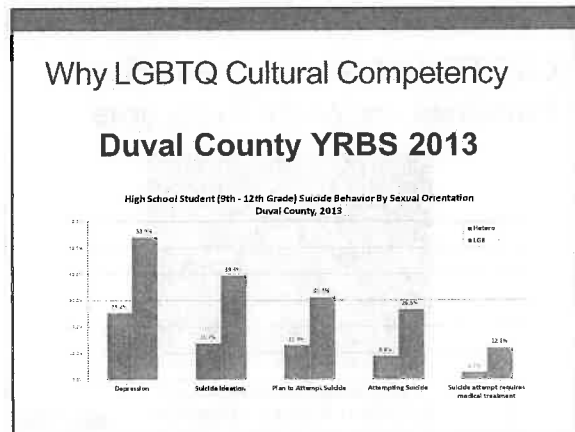
- o More than 8 times as likely to have attempted suicide
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Why LGBTQ Cultural Competency

High Risk

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- o Encounter bullying and harassment in schools
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Self-Assessment Checklist for Personnel Providing Services and Supports the LGBTQ Youth and Their Families

L=Lesbian G= Gay B= Bisexual T= Transgender

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- The Division will not preclude a person from being a foster parent based solely on their culture, religion, race, ethnicity, gender, sexual orientation, gender identity or gender expression, affectional orientation, or marital/civil union or domestic partnership status. - **New Jersey Dept. of Children and Families, Division of Child Protection and Permanency, Trenton, NJ, "Be a Foster Parent."**

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3. Organizational Partnerships and Non-Discrimination

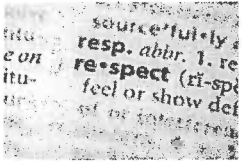
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4. Agency Forms


It is all about the language!

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- Gender Identity
- Male
- Female
- Transgender
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- FTM
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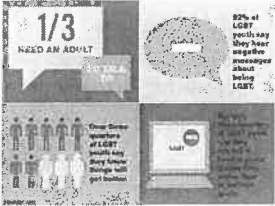
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- **GLSEN:** <http://www.glsen.org/>
- **National Best Practices serving homeless LGBT Youth** <http://www.f2f.ca.gov/res/pdf/NationalRecommended.pdf>
- **CWLA Best Practices:** <http://www.nclrights.org/wp-content/uploads/2013/07/bestpracticeslgbtyouth.pdf>
- **APA Best Practices LGBT:** <https://www.apa.org/pi/lgbt/resources/promoting-good-practices.aspx>

Questions?

Cindy Watson
Executive Director
cwatson@jasmyn.org
904-389-3857

Emily Rokosch
Director of Operations
erokosch@jasmyn.org
904-389-3857 ex 212



Please print and bring this ticket with you.

Event

7th Annual Teaching Respect For All: Creating Safe Schools for LGBT Students



Date+Time

Friday, January 16, 2015 from
7:30 AM to 3:00 PM (EST)

Location

FSCJ Downtown Campus -
BUILDING A
101 West State Street
Jacksonville, FL 32202

Name

Laura Barkett

Payment Status

Free Order

Order Info

Order #382093945. Ordered by Laura Barkett on December 4, 2014 11:40 AM



Type

Educator

382093945482878711001



382093945482878711001

Thank you for your registration! If you have questions about the conference or your ticket please contact Emily Rokosch at (904)389-3957 ext 212 or email eroksoch@jasmyn.org

The Jacksonville Area Sexual Minority Youth Network is a non-profit youth services organization for lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth ages 13-23, in Jacksonville, Florida. JASMYN's mission is to support and empower lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth by creating safe space, providing youth development services and bringing people and resources together to promote diversity and human rights.

For more information on JASMYN please visit WWW.JASMYN.ORG



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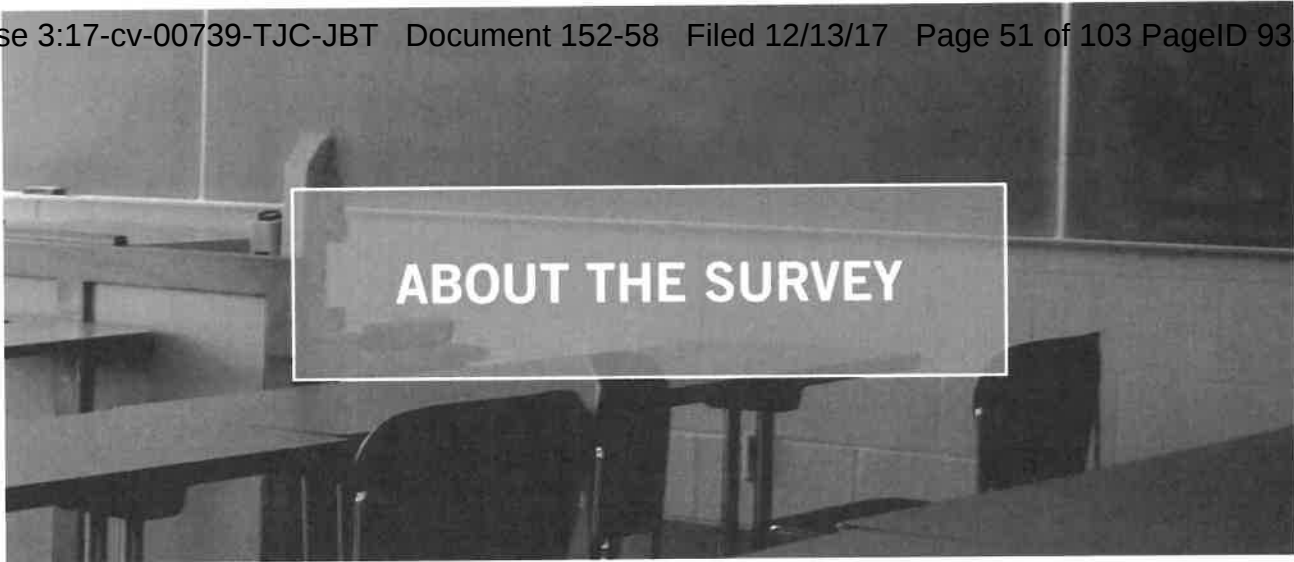
GLSEN[®]

The 2013 National School Climate Survey

EXECUTIVE SUMMARY



Key Findings on the Experiences of Lesbian, Gay,
Bisexual and Transgender Youth in Our Nation's Schools



In 1999, GLSEN identified that little was known about the school experiences of lesbian, gay, bisexual, and transgender (LGBT) youth and that LGBT youth were nearly absent from national studies of adolescents. We responded to this national need for data by launching the first National School Climate Survey, and we continue to meet this continued need for current data by conducting the study every two years. Since then, the biennial National School Climate Survey has documented the unique challenges LGBT students face and identified interventions that can improve school climate. The survey documents the prevalence of anti-LGBT language and victimization, such as experiences of harassment and assault in school. In addition, the survey examines school policies and practices that may contribute to negative experiences for LGBT students and make them feel as if they are not valued by their school communities. The survey also explores the effects that a hostile school climate may have on LGBT students' educational outcomes and well-being. Finally, the survey reports on the availability and the utility of LGBT-related school resources and supports that may offset the negative effects of a hostile school climate and promote a positive learning experience. In addition to collecting this critical data every two years, we also add and adapt survey questions to respond to the changing world for LGBT youth. For example, in the 2013 survey we added a question about hearing negative remarks about transgender people (e.g., "tranny"). The National School Climate Survey remains one of the few studies to examine the school experiences of LGBT students nationally, and its results have been vital to GLSEN's understanding of the issues that LGBT students face, thereby informing our ongoing work to ensure safe and affirming schools for all.

PHOTO CREDIT: Photography on this page under Creative Commons license, Clint Gardner.

Quotes throughout are from students' responses to open-ended questions in the survey.

Visit glsen.org/nscc for the full 2013 National School Climate Survey.

In our 2013 survey, we examine the experiences of LGBT students with regard to indicators of negative school climate:

- Hearing biased remarks, including homophobic remarks, in school;
- Feeling unsafe in school because of personal characteristics, such as sexual orientation, gender expression, or race/ethnicity;
- Missing classes or days of school because of safety reasons;
- Experiencing harassment and assault in school; and
- Experiencing discriminatory policies and practices at school.

We also examine:

- The possible negative effects of a hostile school climate on LGBT students' academic achievement, educational aspirations, and psychological well-being;

- Whether or not students report experiences of victimization to school officials or to family members and how these adults address the problem; and
- How the school experiences of LGBT students differ by personal and community characteristics.

In addition, we demonstrate the degree to which LGBT students have access to supportive resources in school, and we explore the possible benefits of these resources:

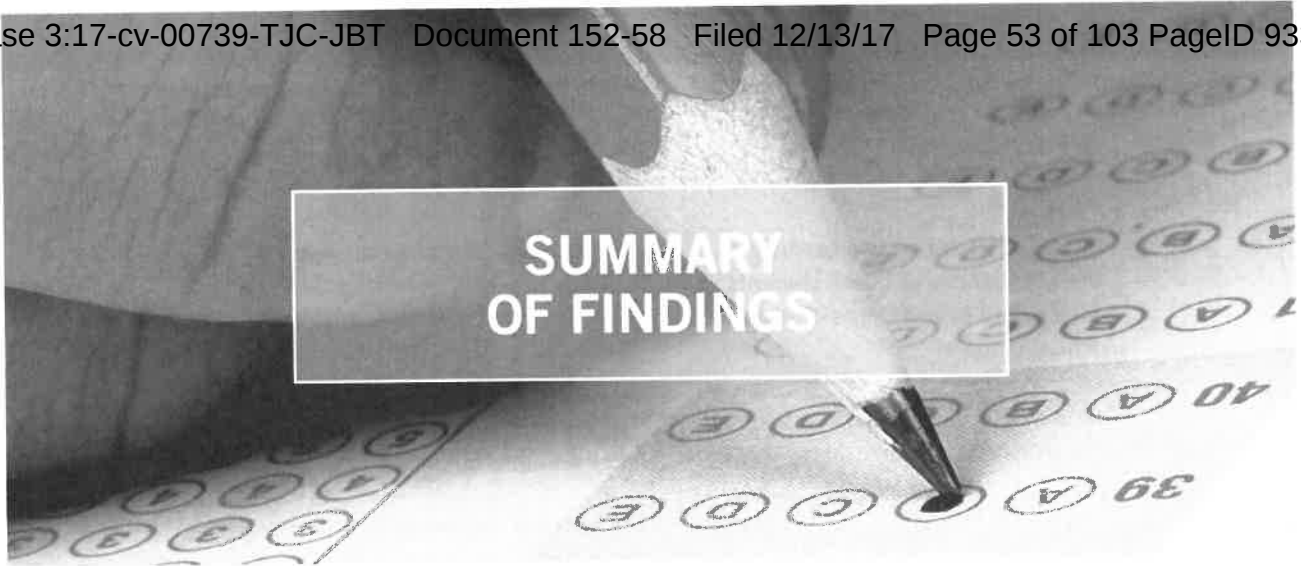
- Gay-Straight Alliances (GSAs) or similar clubs;
- School anti-bullying/harassment policies;
- Supportive school staff; and
- Curricula that are inclusive of LGBT-related topics.

Given that GLSEN has been conducting the survey for over a decade, we also examine changes over time on indicators of negative school climate and levels of access to LGBT-related resources in schools.

METHODS

The 2013 National School Climate Survey was conducted online. To obtain a representative national sample of lesbian, gay, bisexual, and transgender (LGBT) youth, we conducted outreach through national, regional, and local organizations that provide services to or advocate on behalf of LGBT youth, and conducted targeted advertising on the social networking sites, such as Facebook and Reddit. To ensure representation of transgender youth, youth of color, and youth in rural communities, we made special efforts to notify groups and organizations that work predominantly with these populations.

The final sample consisted of a total of 7,898 students between the ages of 13 and 21. Students were from all 50 states and the District of Columbia and from 2,770 unique school districts. About two thirds of the sample (68.1%) was White, slightly less than half (43.6%) was cisgender female, and over half identified as gay or lesbian (58.8%). Students were in grades 6 to 12, with the largest numbers in grades 10 and 11.



HOSTILE SCHOOL CLIMATE

Schools nationwide are hostile environments for a distressing number of LGBT students, the overwhelming majority of whom routinely hear anti-LGBT language and experience victimization and discrimination at school. As a result, many LGBT students avoid school activities or miss school entirely.

SCHOOL SAFETY

- 55.5% of LGBT students felt unsafe at school because of their sexual orientation, and 37.8% because of their gender expression.
- 30.3% of LGBT students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable, and over a tenth (10.6%) missed four or more days in the past month.
- Over a third avoided gender-segregated spaces in school because they felt unsafe or uncomfortable (bathrooms: 35.4%, locker rooms: 35.3%).
- Most reported avoiding school functions and extracurricular activities (68.1% and 61.2%, respectively) because they felt unsafe or uncomfortable.

ANTI-LGBT REMARKS AT SCHOOL

- 71.4% of LGBT students heard “gay” used in a negative way (e.g., “that’s so gay”) frequently or often at school, and 90.8% reported that they felt distressed because of this language.
- 64.5% heard other homophobic remarks (e.g., “dyke” or “faggot”) frequently or often.
- 56.4% heard negative remarks about gender expression (not acting “masculine enough” or “feminine enough”) frequently or often.
- A third (33.1%) heard negative remarks specifically about transgender people, like “tranny” or “he/she,” frequently or often.
- 51.4% of students reported hearing homophobic remarks from their teachers or other school staff, and 55.5% of students reported hearing negative remarks about gender expression from teachers or other school staff.

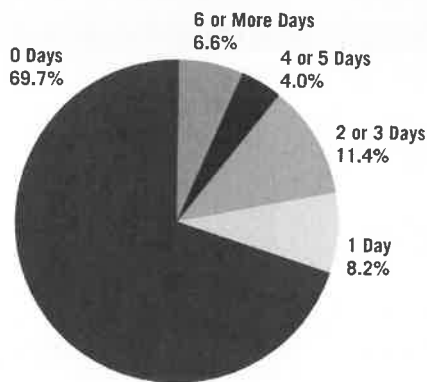
HARASSMENT AND ASSAULT AT SCHOOL

- 74.1% of LGBT students were verbally harassed (e.g., called names or threatened) in the past year because of their sexual orientation and 55.2% because of their gender expression.
- 36.2% were physically harassed (e.g., pushed or shoved) in the past year because of their sexual orientation and 22.7% because of their gender expression.
- 16.5% were physically assaulted (e.g., punched, kicked, injured with a weapon) in the past year because of their sexual orientation and 11.4% because of their gender expression.
- 49.0% of LGBT students experienced electronic harassment in the past year (via text messages or postings on Facebook), often known as cyberbullying.
- 56.7% of LGBT students who were harassed or assaulted in school did not report the incident to school staff, most commonly because they doubted that effective intervention would occur or the situation could become worse if reported.
- 61.6% of the students who did report an incident said that school staff did nothing in response.

DISCRIMINATORY SCHOOL POLICIES AND PRACTICES

- 55.5% of LGBT students reported personally experiencing any LGBT-related discriminatory policies or practices at school (see below), and almost two thirds (65.2%) said other students had experienced these policies and practices at school.
- 28.2% of students reported being disciplined for public displays of affection that were not disciplined among non-LGBT students.
- 18.1% of students were prevented from attending a dance or function with someone of the same gender.
- 17.8% of students were restricted from forming or promoting a GSA.
- 17.5% of students were prohibited from discussing or writing about LGBT topics in school assignments.
- 15.5% of students were prevented from wearing clothing or items supporting LGBT issues 9.2% of students reported being disciplined for simply identifying as LGBT.
- Some policies particularly targeted transgender students:
 - 42.2% of transgender students had been prevented from using their preferred name (10.8% of LGBT students overall);
 - 59.2% of transgender students had been required to use a bathroom or locker room of their legal sex (18.7% of students overall); and
 - 31.6% of transgender students had been prevented from wearing clothes considered inappropriate based on their legal sex (19.2% of students overall).

Frequency that LGBT Students Missed Days of School in the Past Month Because of Feeling Unsafe or Uncomfortable



EFFECTS OF A HOSTILE SCHOOL CLIMATE

A hostile school climate affects students' academic success and mental health. LGBT students who experience victimization and discrimination at school have worse educational outcomes and poorer psychological well-being.

EFFECTS OF VICTIMIZATION

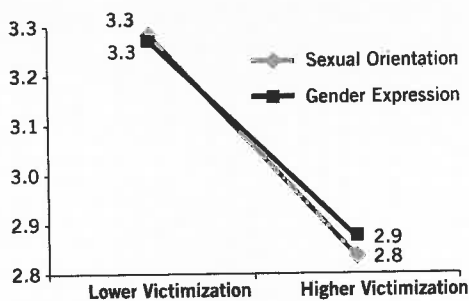
- LGBT students who experienced higher levels of victimization because of their sexual orientation:
 - Were more than three times as likely to have missed school in the past month than those who experienced lower levels (61.1% vs. 17.3%);
 - Had lower grade point averages (GPAs) than students who were less often harassed (2.8 vs. 3.3);
 - Were twice as likely to report that they did not plan to pursue any post-secondary education (e.g., college or trade school) than those who experienced lower levels (8.7% vs. 4.2%); and
 - Had higher levels of depression and lower levels of self-esteem.
- LGBT students who experienced higher levels of victimization because of their gender expression:
 - Were more than three times as likely to have missed school in the past

- month than those who experienced lower levels (58.6% vs. 18.2%);
- had lower GPAs than students who were less often harassed (2.9 vs. 3.3);
- Were twice as likely to report that they did not plan to pursue any post-secondary education (e.g., college or trade school; 8.2% vs. 4.2%); and
- Had higher levels of depression and lower levels of self-esteem.

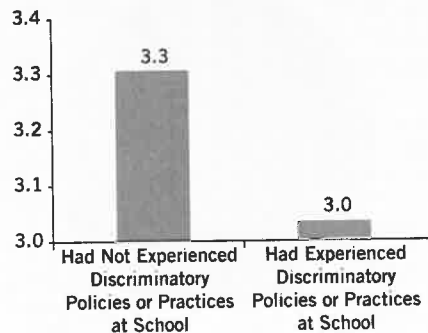
EFFECTS OF DISCRIMINATION

- LGBT students who experienced LGBT-related discrimination at school were:
 - More than three times as likely to have missed school in the past month as those who had not (42.3% vs. 13.8%);
 - Had lower GPAs than their peers (3.0 vs. 3.3); and
 - Had lower self-esteem and higher levels of depression.

Academic Achievement and Severity of Victimization (LGBT Students' Mean Reported Grade Point Average)



Academic Achievement and Experiences of Discrimination (LGBT Students' Mean Reported Grade Point Average)



LGBT-RELATED SCHOOL RESOURCES AND SUPPORTS

Students who feel safe and affirmed have better educational outcomes. LGBT students who have LGBT-related school resources report better school experiences and academic success. Unfortunately, all too many schools fail to provide these critical resources.

GAY-STRAIGHT ALLIANCES

AVAILABILITY AND PARTICIPATION

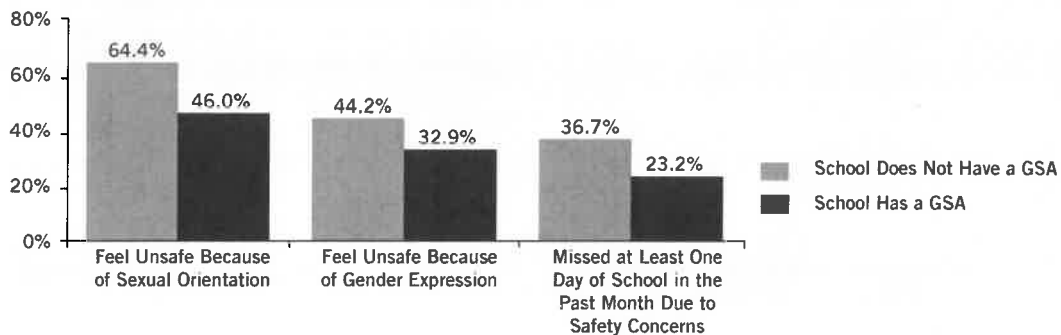
- Only half (50.3%) of students said that their school had a Gay-Straight Alliance (GSA) or similar student club.
- Although most LGBT students reported participating in their GSA at some level, almost a third (32.3%) had not.

UTILITY

- Compared to LGBT students who did not have a GSA in their school, students who had a GSA in their school:
 - Were less likely to hear “gay” used in a negative way often or frequently (67.2% compared to 81.1% of other students);
 - Were less likely to hear homophobic remarks such as “fag” or “dyke” often or frequently (57.4% vs. 71.6%);

- Were less likely to hear negative remarks about gender expression often or frequently (53.0% vs. 59.6%);
- Were more likely to report that school personnel intervened when hearing homophobic remarks—20.8% vs. 12.7% said that staff intervene most of the time or always;
- Were less likely to feel unsafe because of their sexual orientation (46.0% vs. 64.4%);
- Experienced lower levels of victimization related to their sexual orientation and gender expression. For example, 19.0% of students with a GSA experienced higher levels of victimization based on their sexual orientation, compared to 36.2% of those without a GSA; and
- Felt more connected to their school community.

Presence of Gay-Straight Alliances and Feelings of Safety and Missing School





INCLUSIVE CURRICULAR RESOURCES

AVAILABILITY

- Only 18.5% of LGBT students were taught positive representations about LGBT people, history, or events in their schools; 14.8% had been taught negative content about LGBT topics.
- Less than half (44.2%) of students reported that they could find information about LGBT-related issues in their school library.
- Less than half of students (45.3%) with Internet access at school reported being able to access LGBT-related information online via school computers.

UTILITY

- LGBT students in schools with an LGBT-inclusive curriculum:
 - Were less likely to hear “gay” used in a negative way often or frequently (54.7% compared to 78.5% of other students);
 - Were less likely to hear homophobic remarks such as “fag” or “dyke” often or frequently (46.3% vs. 68.7%);

- Were less likely to hear negative remarks about gender expression often or frequently (43.5% vs. 59.2%);
 - Were less likely to feel unsafe because of their sexual orientation (34.8% vs. 59.8%);
 - Were less likely to miss school in the past month (16.7% of students with an inclusive curriculum missed school in past month because they felt unsafe or uncomfortable compared to 32.9% of other students);
 - Were more likely to report that their classmates were somewhat or very accepting of LGBT people than other students (75.2% vs. 39.6%); and
 - Felt more connected to their school community.
- LGBT high school seniors were more likely to be interested in studying STEM (Science, Technology, Engineering, or Math) or Social Science in college if their relevant high school classes had included positive LGBT content (35.8% vs. 18.5% for STEM majors; 29.0 vs. 19.7% for Social Science majors).

SUPPORTIVE EDUCATORS

AVAILABILITY

- Almost all LGBT students (96.1%) could identify at least one staff member supportive of LGBT students at their school.
- Less than two thirds of students (61.0%) could identify at least six supportive school staff.
- Only 38.7% of students could identify 11 or more supportive staff.
- Over a quarter (26.1%) of students had seen at least one Safe Space sticker or poster at their school (these stickers or posters often serve to identify supportive educators).

UTILITY

- LGBT students with many (11 or more) supportive staff at their school:
 - Were less likely to feel unsafe than students with no supportive staff. (36.3 % vs. 74.1%);
 - Were less likely to miss school because they felt unsafe or uncomfortable (14.7% vs. 50.0%);
 - Felt more connected to their school community;
 - Had higher GPAs than other students (3.3 vs. 2.8); and
 - Were less likely to not plan on attending college (3.0% vs. 12.0%).
- Students who had seen a Safe Space sticker or poster in their school were more likely to identify school staff who were supportive of LGBT students and more likely to feel comfortable talking with school staff about LGBT issues.

COMPREHENSIVE BULLYING/HARASSMENT POLICIES

AVAILABILITY

- Although a majority (82.1%) of students had an anti-bullying policy at their school, only 10.1% of students reported that their school had a comprehensive policy (i.e., that specifically enumerate both sexual orientation and gender identity/expression).

UTILITY

- Students in schools with a comprehensive policy:
 - Were less likely to hear “gay” used in a negative way often or frequently (59.2% compared to 77.1% of students with a generic policy and 80.2% of students with no policy);
 - Were less likely to hear homophobic remarks such as “fag” or “dyke” often or frequently (50.4% compared to 66.4% of students with a generic policy and 72.4% of students with no policy);
 - Were less likely to hear negative remarks about gender expression often or frequently (41.7% compared to 57.6% of students with a generic policy and 62.3% of students with no policy); and
 - Were more likely to report that staff intervene when hearing homophobic remarks.

“I am so glad to have teachers who are cool with students being LGBT. If it weren't for them, I know I would've dropped out of high school.”

CHANGES IN SCHOOL CLIMATE FOR LGBT YOUTH OVER TIME

School climate for LGBT students has improved somewhat over the years, yet remains quite hostile for many. Increases in the availability of many LGBT-related school resources may be having a positive effect on the school environment.

CHANGES IN INDICATORS OF HOSTILE SCHOOL CLIMATE

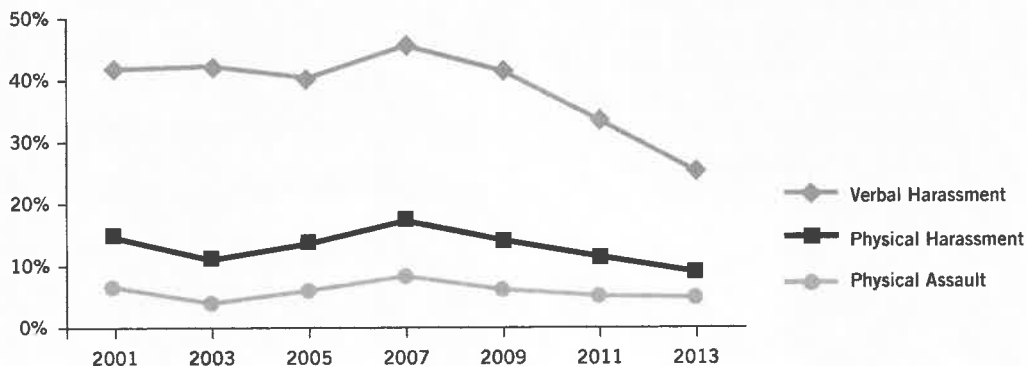
HARASSMENT AND ASSAULT

- LGBT students in the 2013 survey experienced lower verbal and physical harassment based on sexual orientation than in all prior years, and lower physical assault based on sexual orientation since 2007.
- Changes in harassment and assault based on gender expression were similar to those for sexual orientation—verbal and physical harassment were lower than in all prior years of the survey, and physical assault has been decreasing since 2007.

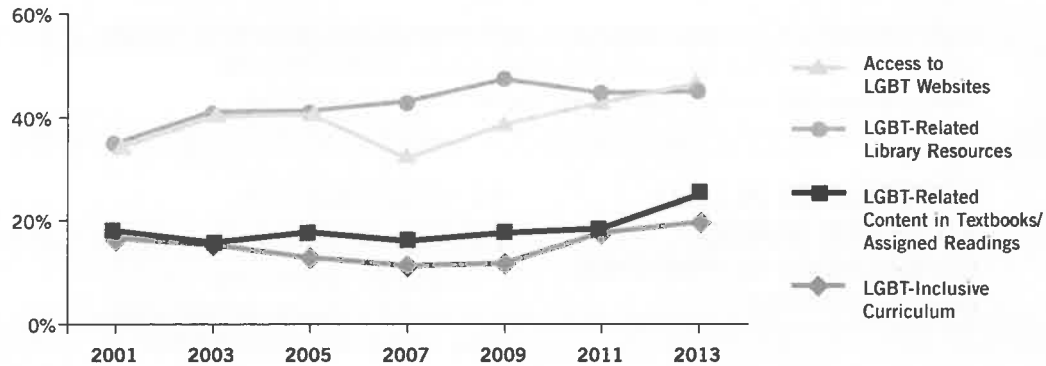
ANTI-LGBT REMARKS

- LGBT students in the 2013 survey reported a lower incidence of homophobic remarks than in all prior years. The percentage of students hearing these remarks frequently or often has dropped from over 80% in 2001 to about 60% in 2013.
- Although the expression “that’s so gay” remains the most common form of anti-LGBT language heard by LGBT students, its prevalence has declined consistently since 2001.
- In 2013 the prevalence of hearing negative remarks about gender expression was at its lowest levels.

Frequency of Harassment and Assault Based on Sexual Orientation Over Time
 Percentage of LGBT Students who Experienced Event Often or Frequently in the Past School Year (Based on Estimated Marginal Means)



Availability of Curricular Resources Over Time
 Percentage of LGBT Students who Report Having Resources in School
 (Accounting for Covariates)



CHANGES IN AVAILABILITY OF LGBT-RELATED SCHOOL RESOURCES AND SUPPORTS

- The percentage of students with LGBT-related resources in their school library has not changed noticeably in recent survey years.

GAY-STRAIGHT ALLIANCES

- The percentage of LGBT students reporting that they have a GSA in their school was higher in 2013 than in all prior survey years.

SUPPORTIVE EDUCATORS

- A higher percentage of LGBT students reported having supportive school staff in 2013 than in all prior survey years.

CURRICULAR RESOURCES

- The percentage of LGBT students reporting positive representations of LGBT people, history, or events in their curriculum was significantly higher in 2013 than in all prior survey years.
- The percentage of students with access to LGBT-related Internet resources was higher in 2013 than in all prior survey years.
- More students also had access to LGBT-related content in their textbooks than in all prior survey years.

ANTI-BULLYING/HARASSMENT POLICIES

- More LGBT students reported having an anti-bullying/harassment policy at their school in 2013 than in all prior survey years, including a modest increase in the percentage of students reporting that their school had a comprehensive policy, i.e., one that included protections based on sexual orientation and gender identity/expression.

DEMOGRAPHIC AND SCHOOL CHARACTERISTIC DIFFERENCES IN LGBT STUDENTS' SCHOOL EXPERIENCES

LGBT students are a diverse population, and although they share many similar experiences, their experiences in school vary based on their personal demographics, the kind of school they attend, and where they live.

DIFFERENCES IN LGBT STUDENTS' SCHOOL EXPERIENCES BY PERSONAL DEMOGRAPHICS

RACE OR ETHNICITY

- Overall, Asian/South Asian/Pacific Islander students experienced the lowest frequencies of victimization based on sexual orientation and gender expression.
- White/European American LGBT students experienced lower frequencies of victimization based on race/ethnicity than all LGBT youth of color groups.

GENDER IDENTITY

- Compared to other LGBT students, transgender, genderqueer, and other non-cisgender students faced the most hostile school climates.
- Cisgender female students experienced the lowest frequencies of anti-LGBT victimization.

GENDER NONCONFORMITY

- Gender nonconforming cisgender students (students whose gender expression did not align to traditional gender norms) experienced worse school climates compared to gender conforming cisgender students.

"I hate my school's discrimination of me for being transgender. Kids would spit on me, kick me, call me a dyke, and push me down the stairs. An administrator told me 'you should expect to be treated that way.'"

DIFFERENCES IN LGBT STUDENTS' SCHOOL EXPERIENCES BY SCHOOL CHARACTERISTICS

SCHOOL LEVEL

- LGBT students in middle school were more likely than students in high school to hear anti-LGBT language in school.
- Students in middle school reported higher frequencies of victimization based on sexual orientation and gender expression than students in high school.
- Students in middle school were less likely to have access to each LGBT-related school resource: GSAs, supportive educators, inclusive curriculum, and comprehensive anti-bullying/harassment policies; the disparity between middle and high school students was greatest for GSAs (7.5% for middle school students vs. 58.5% for high school students).

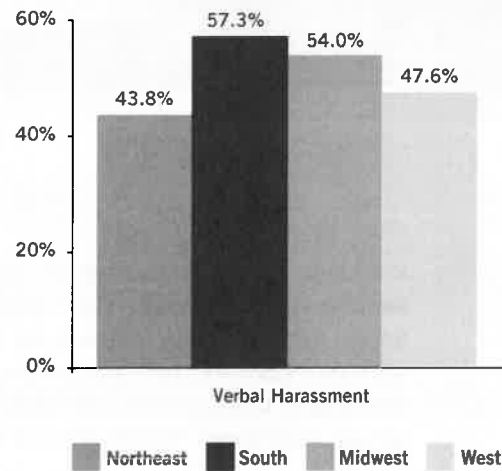
SCHOOL TYPE

- LGBT students in private, non-religious schools were less likely to hear anti-LGBT biased language than students in other schools.
- Students in public schools experienced higher frequencies of victimization based on sexual orientation and gender expression compared to students in private or religious schools.
- Overall, students in private schools had greater access to LGBT-related resources and supports in school than students in other schools.

REGION

- Students in the Northeast and the West reported hearing "gay" used in a negative way less frequently than students in the South and the Midwest.
- Overall, LGBT students from schools in the Northeast and the West reported significantly lower levels of victimization

Experiences of Harassment Based on Sexual Orientation by Region (Percentage of LGBT Students who Experienced Harassment Sometimes, Often, or Frequently)

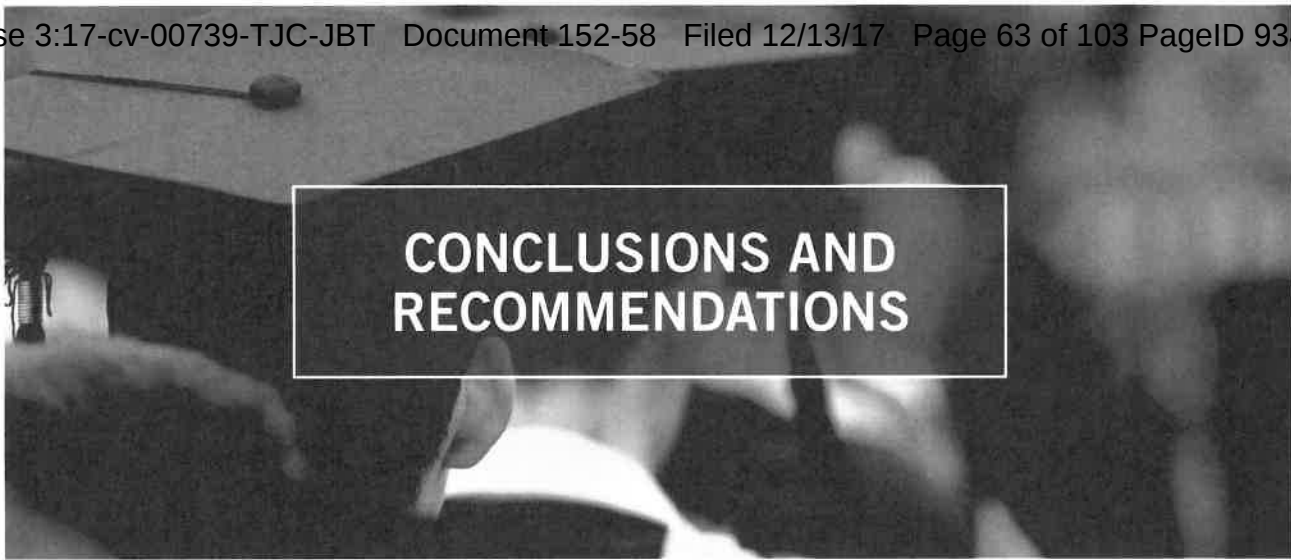


based on sexual orientation and gender expression than students from schools in the South and the Midwest.

- In general, students in the Northeast were most likely to report having LGBT-related resources at school, followed by students in the West. Students in the South were least likely to have access to these resources and supports.

SCHOOL LOCALE

- Students in rural/small town schools reported the highest frequency of hearing anti-LGBT language at school.
- Students in rural/small town schools experienced higher frequencies of victimization in school based on sexual orientation and gender expression.
- Students in rural/small town schools were least likely to have LGBT-related school resources or supports, particularly GSAs and supportive school personnel.



CONCLUSIONS AND RECOMMENDATIONS

It is clear that there is an urgent need for action to create safe and affirming learning environments for LGBT students. Results from the 2013 National School Climate Survey demonstrate the ways in which school-based support—such as supportive staff, anti-bullying/harassment policies, curricular resources inclusive of LGBT people, and GSAs—can positively affect LGBT students’ school experiences. Based on these findings, we recommend:

- Increasing student access to appropriate and accurate information regarding LGBT people, history, and events through inclusive curricula and library and Internet resources;
- Supporting student clubs, such as GSAs, that provide support for LGBT students and address LGBT issues in education;
- Providing professional development for school staff to improve rates of intervention and increase the number of supportive teachers and other staff available to students;
- Ensuring that school policies and practices, such as those related to dress codes and school dances, do not discriminate against LGBT students; and
- Adopting and implementing comprehensive bullying/harassment policies that specifically enumerate sexual orientation, gender identity, and gender expression in individual schools and districts, with clear and effective systems for reporting and addressing incidents that students experience.

Taken together, such measures can move us toward a future in which all students have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.

“I firmly believe that it does not just ‘get better.’ I am an example of someone who went out of their comfort zone to change their school environment for future LGBT students. I am graduating my high school this year and leaving it a very different place.”

LEARN MORE

The full 2013 National School Climate Survey report goes into greater depth on the issues highlighted in this Executive Summary and explores a number of other topics, including:

- Experiences of harassment and assault and feelings of safety based on race/ethnicity, religion and disability;
- Frequency of sexual harassment, relational aggression, cyberbullying, and property damage;
- Relationship between being out (i.e., open about one's sexual orientation or gender identity) and students' school experiences and well-being;
- LGBT students' future education plans, including relevant factors for those who plan to drop out and intended college majors for those choose to continue on to higher education.
- Experiences of school discipline and involvement in the criminal/ juvenile justice system due to school disciplinary actions.
- LGBT students' housing status, and educational outcomes for homeless LGBT students.

Visit glsen.org/nscs for the full 2013 National School Climate Survey.

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GLSEN[®]

GLSEN (the Gay, Lesbian & Straight Education Network) is the leading national education organization focused on ensuring safe schools for all students. Established in 1990, GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression. GLSEN seeks to develop school climates where difference is valued for the positive contribution it makes to creating a more vibrant and diverse community.

For more information on our educator resources, research, public policy agenda, student leadership programs or development initiatives, visit www.glsen.org.

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GLSEN

90 Broad Street, 2nd Floor, New York, NY 10004
Ph: 212-727-0135 | Fax: 212-727-0254 | www.glsen.org

So you wanna **START A GSA**

A GAY-STRAIGHT ALLIANCE, OR GSA, IS A CLUB FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING STUDENTS AND STRAIGHT ALLIES.

There are lots of different kinds of GSAs. GSAs can be social clubs (some GSAs host dances and movie nights), support groups (some GSAs provide a safe place for LGBTQ students and their allies to talk about problems), educational outposts (some GSAs organize guest speakers or create displays for National Coming Out Day) or advocacy groups (some GSAs participate in GLSEN's National Day of Silence or push for sexual orientation and gender identity to be added to their school's nondiscrimination policy).

Talk with your friends, reach out to other students and decide what you'd like your GSA to focus on. There are more than 3,000 GSAs in schools nationwide, and there is lots of information available about forming a GSA. No matter what its focus is, your GSA can play an important role in addressing homophobia and anti-transgender discrimination and can help create a safe space for LGBTQ students. Read on to learn about the basics of forming a GSA.

YOUR LEGAL RIGHT TO FORM A GSA

In public secondary schools, GSAs can't be discriminated against or held to different standards than other student clubs — it's the law. Under a federal law called the Equal Access Act, secondary schools that receive federal money and allow meetings of other noncurricular student clubs (which means clubs that don't directly relate to classes at your school) are prohibited from discriminating against any student group based on its viewpoint. The Constitution's free speech clause also provides protection to student organizations, including GSAs. Lambda Legal and other civil rights organizations have successfully



SO YOU WANNA START A GSA

gone to court on behalf of students against a number of school districts — in California, Florida, Georgia, Indiana, Kentucky, Minnesota and Utah — that have broken the law by refusing to allow GSAs to meet on the same terms as other groups. These successful lawsuits make it more likely that schools will live up to their legal obligations.

Public secondary schools are covered by the Equal Access Act if they allow even one noncurricular club to meet at the school. If your school is covered (most public secondary schools are), then you have a legal right to form a GSA and a legal right to have that GSA be treated just like other student clubs at your school. So, if other clubs at your school are allowed to post displays on the bulletin boards, make announcements and use classrooms for meetings, your GSA can too.

Some schools have tried to prevent GSAs from forming by requiring students to get their parents' permission to join a club. But even if these parental consent rules are supported by the local school board or by state law, the Equal Access Act requires that the rules be evenhandedly applied to all student groups. In other words, schools can't single out GSAs for stricter membership rules.

GETTING STARTED**FIND OUT HOW TO START A CLUB IN YOUR SCHOOL**

Different schools have different rules for clubs. Always follow the rules — if you don't, it can be used as an excuse to discriminate against your group. Look in your student handbook, talk to a student government rep or ask a school administrator to guide you on your school's regulations and policies. Be sure to find out if you'll need written permission to start the club or whether you'll need to get a teacher or school advisor to come to the meetings. You may also need to register with the school administration or write a constitution or mission statement.

DO SOME RESEARCH

Find out if other schools in your area have GSAs, and call or email their advisors or leaders. (For an up-to-date list of GSAs across the country, visit the Gay, Lesbian and Straight Education Network at www.glsen.org.) Also try to determine how safe it is for students to be out at your school. This will help you arrange an appropriate meeting place and determine the safest ways to let people know about the group.

FIND A PLACE TO MEET

In general, you'll want to find a place that is private and relatively quiet. Some students might feel a little afraid or uncomfortable about attending a meeting. They may worry that others will harass them if they join the group. As you know, homophobia and transphobia are still a reality in many schools, and that should be taken into account when selecting a meeting space. Whether you decide to meet in a classroom or away from the school entirely, the meeting space must make GSA members feel safe.

SPREAD THE WORD

At first you may want to advertise the GSA by word of mouth only, so you won't be bothered by people who might not be supportive of the group. Tell LGBT-friendly teachers, guidance counselors, school social workers and the school nurse. They may know other students who are interested in attending the meeting and may be in a position to encourage them to go. They might also want to come to a meeting as a guest speaker or serve as the club's advisor. Tell anyone else you think will be helpful or who can let other students know about the GSA. Try to identify at least a couple of students who you know will attend the first meeting.

SO YOU WANNA START A GSA

TAKING ACTION:

Anthony Colín

When Anthony Colín founded the gay-straight alliance in his Southern California high school, he had no idea that he'd have to battle to keep it. First the school board denied the GSA's application to become a recognized student club. This meant that the GSA couldn't have meetings at the school like other student clubs could. Then the school board told the students involved in the GSA that it would only reconsider the group's application if the group changed its name. With Lambda Legal's help, Anthony and his friends sued the school district. The GSA won the right to meet while the lawsuit proceeded and ultimately won the right to meet at the school, use the school's public address system to make announcements and be featured in the school yearbook, just like other student clubs.

HOLD THE FIRST MEETING

Have snacks. Food can help break the ice and may encourage students who were "just stopping by" to stay. Once people have settled in, begin with introductions and a discussion of why you organized the meeting. Share any information you've learned about GSAs in your area. Before deciding on your goals, give everyone a chance to talk about why they came and what they would like the GSA to do. Many groups establish ground rules over their first few meetings. At a minimum, everyone at the meeting should agree to confidentiality and respect.

Don't be too discouraged if the first meeting is not well attended or if it doesn't go exactly as you planned. Getting even a few people in the room is a victory! It may take a few meetings for more people to feel comfortable attending and for the group to really get established. Anyone who does come can help spread the word for the next meeting.

STAY IN TOUCH

Find a way to keep in touch with everyone. Be sure to collect email addresses or phone numbers and to set the next meeting date.

ASK FOR VOLUNTEERS

Keeping a club going can be a lot of work. One way to address this challenge is to get others involved in sharing responsibilities right from the start. You may want to select co-chairs or form committees, so more people can be responsible for keeping the group going.

For help forming a GSA at your school, contact the Gay, Lesbian and Straight Education Network (GLSEN) at 212-727-0135 or studentorganizing@glSEN.org.

If your school isn't allowing your GSA to meet, or if you have other questions about your legal rights, contact Lambda Legal's Help Desk at 1-866-542-8336 or email legalhelpdesk@lambdalegal.org.

JASMYN Gay Straight Alliance (GSA)
\$250 Mini Grants
2014-2015
Application Deadline January 30th 2015

Attention all high school and middle school students! Does your school have a Gay Straight Alliance (GSA) or similar school club? If YES – JASMYN has an amazing opportunity for you to complete the project you have always wanted to do, host the event you have dreamed of, make a difference in your school, and raise awareness around LGBT issues and more.

Here is the deal. JASMYN is giving out **TEN \$250 mini grants** to local GSA's or similar student clubs for the 2014 – 2015 school year. Imagine what your club could do with \$250! Time is limited and so are the mini grants. Review and submit the application to our Student Support Coordinator, Ace Canessa at acanessa@jasmyn.org or call 904-389-3857 with questions about the application.

Below you will find the mini grant requirement check list and mini grant application. Please read over the mini grant checklist before you apply. Questions about ANYTHING - Call JASMYN (904) 389-3857 and ask for Ace.

What is a JASMYN Gay Straight Alliance (GSA) mini grant?

We are VERY excited to be able to support GSA's reach their goals, strengthen their clubs, and make a difference in their schools! One of the biggest obstacles we have been told and noticed working with fabulous GSA's is \$\$\$\$! We hope these mini grants will encourage local GSA's and their members to dream BIG and REACH farther than ever before to promote the safety, well-being, visibility and health for ALL students at their schools. The other thing we have learned and noticed is that our local GSA's are extremely creative, energetic and overall FABULOUS and \$250 can create change and make a huge impact.

What can my GSA mini grant be used for?

Your GSA project can be almost anything you dream up (see the few exceptions below)! Examples of projects you could create include but are not limited to: T-shirt awareness campaign, day of silence activities, photo art project, videos, film festivals, awareness event, etc. The goal of the \$250 mini grant is for YOU and YOUR GSA to dream big and make a difference for all students on campus. If you have any questions or are hitting a creative block, check out the websites of these amazing organizations for some inspiration:

Gay Lesbian & Straight Educations Network (GLSEN) <http://www.glsen.org/>

GSA Network: <http://www.gsanetwork.org/>

Advocates For Youth: <http://www.advocatesforyouth.org/>

Frameline: <http://www.frameline.org/>



JASMYN GSA Mini Grant Check List

- ✓ Your school must have an established GSA to apply (by established we mean that your club must already be registered with your school,
- ✓ Have a school advisor for the club & already met at least one time in the 2014-2015 school year
- ✓ After the project is completed, members must commit to presenting their successes and challenges at a date TBA before the end of the 2014-2015 school year.

Before completing the application review the following items JASMYN's mini grant cannot support:

- ✓ Field trips to the movies, clubs, coffee shops or other forms of entertainment.
- ✓ \$\$\$ for computers, TV's, or other forms of electronics (clubs may request equipment support from JASMYN).
- ✓ \$\$\$ for YOU ;) your club members cannot be paid with the scholarship.
- ✓ \$\$\$ for someone else! You cannot pay someone with the scholarship.

2014-2015 JASMYN Mini Grant Application

Now that you have gone over the checklist & what to avoid when applying for the mini grant. Please fill out the application below! **Remember this application has to be emailed to acanessa@jasmyn.org or mailed to JASMYN by Friday, January 30, 2015** and you will need your advisors support and signature.

ABOUT YOU:

Name and age(s) of student(s) filling out the application:

School:

Email:

Phone:

Position(s) in your GSA or similar club:

ABOUT YOUR GSA:

GSA or similar clubs name:

Sponsors name and job title at school:

Sponsors email:

How long has your GSA been active:

What are the days/times of your GSA meeting:

How many students are in your GSA (circle one):

5-10 11-15 16-25, 26 or more



Let's hear about your DREAM GSA Project!
2014-2015 GSA Mini-Grant Application

1) Please describe the project your GSA would like to create or participate in:

2) What steps would you take (an action plan) for making your project successful?:

3) What support would you need from your GSA members, your school, your advisor and or JASMYN?
(example: permission to use school property, name, space in the JASMYN house, technology support, etc.)

4) How would you complete your project by the end of May 2015? If you can – give us a timeline. Like “We would start working on the project by the first week of February, we will set our project date or time by the end of February and we will complete our project on May 2nd!” This is an example – but the more specific you can be the better.





The Impact of Homophobia and Racism on GLBTQ Youth of Color

As members of more than one minority group, GLBTQ¹ youth of color face special challenges in a society which often presents heterosexuality as the only acceptable orientation *and* in which nonwhites have disproportionately higher rates of negative sexual outcomes. Economic and cultural disparities, as well as sexual risk taking and other risk-taking behavior, make these youth vulnerable to HIV, pregnancy, and sexual violence. Holistic, culturally competent health care is essential to their well-being.

Sexual identity *formation* is not significantly influenced by cultural factors; that is, studies have shown no significant differences between white youth and youth of color in mean age of being “out to self” (16 for young women, 15 for young men); age coming out to others (17 for young women and young men); or age of first homosexual sexual experience (17 for young women, 16 for young men).^{1,2,3} Black and Latino youth also did not differ from white youth in acceptance of their own sexuality.² But while GLBTQ youth of color develop similarly to white youth, they must bear the twin burdens of racism and homophobia.

GLBTQ Youth of Color Face Challenges in a Homophobic Society

- After coming out to their family or being discovered, many GLBTQ youth are thrown out of their home, mistreated, or made the focus of their family's dysfunction.⁴
- Youth of color are significantly less likely to have told their parents they are GLBTQ: one study found that while about 80 percent of GLBTQ whites were out to parents, only 71 percent of Latinos, 61 percent of African Americans, and 51 percent of Asians and Pacific Islanders (APIs) were out to parents.¹
- One study found that African American same-sex attracted youth were more likely to have low self esteem and experience suicidal thoughts than their counterparts of other ethnicities. African American same-sex attracted young men were also more likely to be depressed.⁵
- In a large survey of attendees of Black Pride events, over half reported that their church or religion viewed homosexuality as “wrong and sinful.”⁶
- In many Latino communities, *machismo* and Catholicism contribute to homophobic attitudes that hamper efforts to reach Latino gay and bisexual youth with HIV prevention information.⁷
- Asian American and Pacific Islander GLBTQ youth often feel that they have shamed their families when they diverge from cultural expectations to marry and have children.⁸
- GLBTQ youth of color report feeling pressure to choose between their ethnic and their sexual identities; these youth are less likely to be involved in gay social and cultural activities than their white counterparts.^{2,3}

Racism Coupled with Homophobia Leads to Negative Sexual Outcomes

- Young men of color (ages 15-22) who have sex with men are at disproportionate risk of acquiring HIV: research shows HIV prevalence at 16 percent for blacks and seven percent for Latinos, compared to only three percent for whites.⁹ Meanwhile, one study of young men who have sex with men found that African Americans engaged in more behaviors that put them at risk for HIV than do white men.¹⁰ Latino and multi-ethnic young men also have an elevated risk compared to young white men.¹⁰ Researchers have characterized the increasing rates of HIV and sexual risk behavior among young API men who have sex with men as “an epidemic.”¹¹
- In one study, more than half of ethnic minority transgender youth had experienced forced sex, while almost 60 percent had traded sex for money or resources. The researcher characterized ethnic minority transgender youth as “at extreme risk of acquiring HIV.”¹²

* GLBTQ stands for gay, lesbian, bisexual, transgender, or questioning.

† Homosexuality/“being gay” refers to persistent emotional and physical attraction towards people of the same gender; bisexuality, towards people of both genders. Same-sex sexual behavior may not reflect either a homosexual or a bisexual identity.

- One study showed that while bisexual and lesbian teenage females were about as likely as heterosexual peers to have had intercourse, they reported twice the rate of pregnancy as heterosexual and questioning young women (12 percent vs. five to six percent respectively).¹³ Research has also shown that most women who identify as lesbians had sex for the first time as teenagers, and experienced first sexual intercourse with men.¹⁴
- Research has found that while black men who identify as homosexual do not have difficulty getting their partners to wear condoms, black men who have sex with men but identify as straight have great difficulty getting their male partners to wear condoms.¹⁵

GLBTQ Youth of Color Are At High Risk for Homelessness and Harassment

- A disproportionate number of GLBTQ youth are homeless: one nationwide report found that while only about three to five percent of the population is estimated to be GLBTQ, 42 percent of homeless youth are GLBTQ.¹⁶ An estimated 65 percent of homeless people are members of racial minorities.¹⁷
- A nationwide study of homophobia in schools found that *the majority* of GLBTQ youth of color had experienced victimization in school because of either race or sexual identity in the last year, while half reported being victimized because of both race and sexual identity.¹⁸ More than a third of GLBTQ youth of color had experienced physical violence because of their orientation.¹⁹

GLBTQ Youth of Color Need Culturally Competent Education, Programs, and Health Care

- A recent study of GLBTQ youth who received gay-sensitive HIV prevention education in school showed they engaged in less risky sexual behavior than similar youth who did not receive such instruction.²⁰
- Researchers recommend that HIV prevention messages for Latino and African American gay and bisexual men not only be culturally competent, but also address the larger social, health, and psychological issues which affect them.^{21, 22}
- Researchers who worked with GLBTQ Latina and African American women stressed the importance of affordable, nonjudgmental health care, as well as the need for services accessible to those who speak little or no English.²³
- A study of 758 young African American men who have sex with men found that those who carried condoms and reported that their peers normally use condoms were less likely to have had unprotected anal intercourse. Therefore, researchers recommend strengthening social norms for condom use among these young men.²⁴

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Written by Emily Bridges, MLS

Advocates for Youth © June 2007



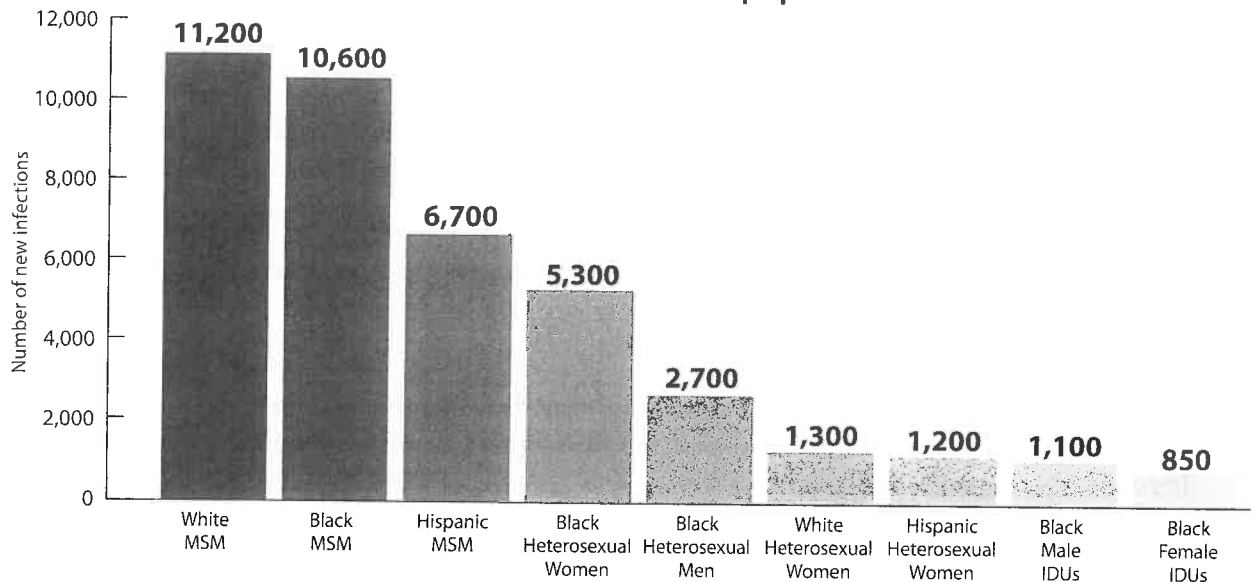
HIV among Gay and Bisexual Men

Gay and bisexual men — referred to in CDC surveillance systems as men who have sex with men (MSM)¹ — of all races continue to be the risk group most severely affected by HIV. CDC’s most recent data show that between 2008 and 2010, the number of new infections among MSM increased 12 percent, with an even steeper increase among the youngest MSM. These data clearly show the urgent need to expand access to proven HIV prevention programs for gay and bisexual men, and to develop new approaches to fight HIV in this population.

A Snapshot

- Overall, MSM — including those who inject drugs — account for more than half of the 1.2 million people living with HIV in the United States (59%, or an estimated 712,500 persons) and approximately two-thirds of all new HIV infections each year (66%, or an estimated 31,400 infections).
- Comparing 2008 to 2010, there was a 12 percent increase in the number of new infections among MSM. Among the youngest MSM — those aged 13 – 24 — new infections increased 22 percent, from 7,200 infections in 2008 to 8,800 in 2010.
- While CDC estimates that only 4 percent of men in the United States are MSM, the rate of new HIV diagnoses among MSM in the United States is more than 44 times that of other men (range: 522 – 989 per 100,000 MSM vs. 12 per 100,000 other men).²
- White MSM continue to represent the largest number of new HIV infections among MSM (11,200), followed closely by black MSM (10,600) and Hispanic MSM (6,700).

Figure 1. Estimated New HIV Infections in the United States, 2010, for the Most-Affected Subpopulations



¹ The term men who have sex with men is used in CDC surveillance systems because it indicates the behaviors that transmit HIV infection, rather than how individuals self-identify in terms of their sexuality.

² Purcell D et al. Estimating the population size of men who have sex with men in the United States to obtain HIV and syphilis rates. *The Open AIDS Journal* 2012; 6(Suppl 1: M6): 114–123.



- Young, black MSM are severely affected and now account for more new infections in the United States (4,800 in 2010) than any other subgroup by race/ethnicity, age, and sex.
- In a study of MSM in 20 major U.S. cities in 2011, nearly one in five MSM participating in the study was infected (18 percent). While MSM of all races and ethnicities were severely affected, black MSM were particularly impacted.
- CDC estimates that, nationally, about 15 percent of MSM living with HIV (or 108,300 men) do not know they are infected. Data suggest that young MSM and MSM of color are least likely to know they are infected.
- Even among MSM who have been diagnosed with HIV, across-the-board gaps in HIV care challenge prevention efforts.
 - In 2010, among MSM diagnosed with HIV, 78 percent were linked to care within three months of diagnosis, but only 51 percent were retained in care.
 - In large part because many were not in care, 50 percent of MSM diagnosed with HIV were prescribed antiretroviral therapy and only 42 percent achieved viral suppression (i.e., the virus is under control at a level that helps keep people healthy and reduces the risk of transmitting the virus to others).
 - Young MSM and African-American MSM were the least likely to receive care and treatment.
- AIDS continues to claim the lives of too many MSM. Since the beginning of the epidemic, more than 350,000 MSM with AIDS have died.

Complex Factors Increase Risk

- **High prevalence of HIV:** The existing high prevalence of HIV among gay and bisexual men means MSM face a greater risk of being exposed to infection with each sexual encounter, especially as they get older. For young black MSM, partnering with older black men (among whom HIV prevalence is high) may also lead to increased risk.
- **Lack of knowledge of HIV status:** Studies show that individuals who know they are infected take steps to protect their partners. Yet many MSM are unaware of their status and may unknowingly be transmitting the virus to others. Additionally, some MSM may make false assumptions or have inaccurate information about their partner's HIV status. It is critical to ensure that sexually active MSM get tested for HIV at least annually, or more frequently as needed.
- **Social discrimination and cultural issues:** For some MSM, social and economic factors, including homophobia, stigma, and lack of access to health care may increase risk behaviors or be a barrier to receiving HIV prevention services.
- **Substance abuse:** Some MSM use alcohol and illegal drugs, contributing to increased risk for HIV infection and other STDs. Substance use can increase the risk for HIV transmission through risky sexual behaviors while under the influence and through sharing needles or other injection equipment.

If you are a member of the news media and need more information, please visit
www.cdc.gov/nchhstp/Newsroom or contact the News Media Line at CDC's National Center for
HIV/AIDS, Viral Hepatitis, STD, and TB Prevention: 404-639-8895 or NCHHSTPMediaTeam@cdc.gov.



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Answers to Your Questions

FOR A BETTER UNDERSTANDING OF SEXUAL ORIENTATION & HOMOSEXUALITY

Since 1975, the American Psychological Association has called on psychologists to take the lead in removing the stigma of mental illness that has long been associated with lesbian, gay, and bisexual orientations. The discipline of psychology is concerned with the well-being of people and groups and therefore with threats to that well-being. The prejudice and discrimination that people who identify as lesbian, gay, or bisexual regularly experience have been shown to have negative psychological effects. This pamphlet is designed to provide accurate information for those who want to better understand sexual orientation and the impact of prejudice and discrimination on those who identify as lesbian, gay, or bisexual.

What is sexual orientation?

Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions. Research over several decades has demonstrated that sexual orientation ranges along a continuum, from exclusive attraction to the other sex to exclusive attraction to the same sex. However, sexual orientation is usually discussed in terms of three categories: heterosexual (having emotional, romantic, or sexual attractions to members of the other sex), gay/lesbian (having emotional, romantic, or sexual attractions to members of one's own sex), and bisexual (having emotional, romantic, or sexual attractions to both men and women). This range of behaviors and attractions has been described in various cultures and nations throughout the world. Many cultures use identity labels to describe people who express these attractions. In the United States the most frequent labels are *lesbians* (women attracted to women), *gay men* (men attracted to men), and *bisexual people* (men or women attracted to both sexes). However, some people may use different labels or none at all.

Sexual orientation is distinct from other components of sex and gender, including biological sex (the anatomical, physiological,

and genetic characteristics associated with being male or female), gender identity (the psychological sense of being male or female), and social gender role (the cultural norms that define feminine and masculine behavior).

Sexual orientation is commonly discussed as if it were solely a characteristic of an individual, like biological sex, gender identity, or age. This perspective is incomplete because sexual orientation is defined in terms of relationships with others. People express their sexual orientation through behaviors with others, including such simple actions as holding hands or kissing. Thus, sexual orientation is closely tied to the intimate personal relationships that meet deeply felt needs for love, attachment, and intimacy. In addition to sexual behaviors, these bonds include nonsexual physical affection between partners, shared goals and values, mutual support, and ongoing commitment. Therefore, sexual orientation is not merely a personal characteristic within an individual. Rather, one's sexual orientation defines the group of people in which one is likely to find the satisfying and fulfilling romantic relationships that are an essential component of personal identity for many people.

How do people know if they are lesbian, gay, or bisexual?

According to current scientific and professional understanding, the core attractions that form the basis for adult sexual orientation typically emerge between middle childhood and early adolescence. These patterns of emotional, romantic, and sexual attraction may arise without any prior sexual experience. People can be celibate and still know their sexual orientation—be it lesbian, gay, bisexual, or heterosexual.

Different lesbian, gay, and bisexual people have very different experiences regarding their sexual orientation. Some people know that they are lesbian, gay, or bisexual for a long

time before they actually pursue relationships with other people. Some people engage in sexual activity (with same-sex and/or other-sex partners) before assigning a clear label to their sexual orientation. Prejudice and discrimination make it difficult for many people to come to terms with their sexual orientation identities, so claiming a lesbian, gay, or bisexual identity may be a slow process.

What causes a person to have a particular sexual orientation?

There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay, or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation.

What role do prejudice and discrimination play in the lives of lesbian, gay, and bisexual people?

Lesbian, gay, and bisexual people in the United States encounter extensive prejudice, discrimination, and violence because of their sexual orientation. Intense prejudice against lesbians, gay men, and bisexual people was widespread throughout much of the 20th century. Public opinion studies over the 1970s, 1980s, and 1990s routinely showed that, among large segments of the public, lesbian, gay, and bisexual people were the target of strongly held negative attitudes. More recently, public opinion has increasingly opposed sexual orientation discrimination, but expressions of hostility toward lesbians and gay men remain common in contemporary American society. Prejudice against bisexuals appears to exist at comparable levels. In fact, bisexual individuals may face discrimination from some lesbian and gay people as well as from heterosexual people.

Sexual orientation discrimination takes many forms. Severe antigay prejudice is reflected in the high rate of harassment and violence directed toward lesbian, gay, and bisexual individuals in American society. Numerous surveys indicate that verbal harassment and abuse are nearly universal experiences

among lesbian, gay, and bisexual people. Also, discrimination against lesbian, gay, and bisexual people in employment and housing appears to remain widespread. The HIV/AIDS pandemic is another area in which prejudice and discrimination against lesbian, gay, and bisexual people have had negative effects. Early in the pandemic, the assumption that HIV/AIDS was a "gay disease" contributed to the delay in addressing the massive social upheaval that AIDS would generate. Gay and bisexual men have been disproportionately affected by this disease. The association of HIV/AIDS with gay and bisexual men and the inaccurate belief that some people held that all gay and bisexual men were infected served to further stigmatize lesbian, gay, and bisexual people.

What is the psychological impact of prejudice and discrimination?

Prejudice and discrimination have social and personal impact. On the social level, prejudice and discrimination against lesbian, gay, and bisexual people are reflected in the everyday stereotypes of members of these groups. These stereotypes persist even though they are not supported by evidence, and they are often used to excuse unequal treatment of lesbian, gay, and bisexual people. For example, limitations on job opportunities, parenting, and relationship recognition are often justified by stereotypic assumptions about lesbian, gay, and bisexual people.

On an individual level, such prejudice and discrimination may also have negative consequences, especially if lesbian, gay, and bisexual people attempt to conceal or deny their sexual orientation. Although many lesbians and gay men learn to cope with the social stigma against homosexuality, this pattern of prejudice can have serious negative effects on health and well-being. Individuals and groups may have the impact of stigma reduced or worsened by other characteristics, such as race, ethnicity, religion, or disability. Some lesbian, gay, and bisexual people may face less of a stigma. For others, race, sex, religion, disability, or other characteristics may exacerbate the negative impact of prejudice and discrimination.

The widespread prejudice, discrimination, and violence to which lesbians and gay men are often subjected are significant mental health concerns. Sexual prejudice, sexual orientation discrimination, and antigay violence are major

sources of stress for lesbian, gay, and bisexual people. Although social support is crucial in coping with stress, antigay attitudes and discrimination may make it difficult for lesbian, gay, and bisexual people to find such support.

Is homosexuality a mental disorder?

No, lesbian, gay, and bisexual orientations are not disorders. Research has found no inherent association between any of these sexual orientations and psychopathology. Both heterosexual behavior and homosexual behavior are normal aspects of human sexuality. Both have been documented in many different cultures and historical eras. Despite the persistence of stereotypes that portray lesbian, gay, and bisexual people as disturbed, several decades of research and clinical experience have led all mainstream medical and mental health organizations in this country to conclude that these orientations represent normal forms of human experience. Lesbian, gay, and bisexual relationships are normal forms of human bonding. Therefore, these mainstream organizations long ago abandoned classifications of homosexuality as a mental disorder.

What about therapy intended to change sexual orientation from gay to straight?

All major national mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation. To date, there has been no scientifically adequate research to show that therapy aimed at changing sexual orientation (sometimes called reparative or conversion therapy) is safe or effective. Furthermore, it seems likely that the promotion of change therapies reinforces stereotypes and contributes to a negative climate for lesbian, gay, and bisexual persons. This appears to be especially likely for lesbian, gay, and bisexual individuals who grow up in more conservative religious settings.

Helpful responses of a therapist treating an individual who is troubled about her or his same-sex attractions include helping that person actively cope with social prejudices against homosexuality, successfully resolve issues associated with and resulting from internal conflicts, and actively lead a happy and satisfying life. Mental health professional organizations call on their members to respect a person's (client's) right to self-determination; be sensitive to the client's race, culture, ethnicity, age, gender, gender identity, sexual orientation, religion, socioeconomic status, language, and disability status when working with that client; and eliminate biases based on these factors.

What is "coming out" and why is it important?

3

The phrase "coming out" is used to refer to several aspects of lesbian, gay, and bisexual persons' experiences: self-awareness of same-sex attractions; the telling of one or a few people about these attractions; widespread disclosure of same-sex attractions; and identification with the lesbian, gay, and bisexual community. Many people hesitate to come out because of the risks of meeting prejudice and discrimination. Some choose to keep their identity a secret; some choose to come out in limited circumstances; some decide to come out in very public ways.

Coming out is often an important psychological step for lesbian, gay, and bisexual people. Research has shown that feeling positively about one's sexual orientation and integrating it into one's life fosters greater well-being and mental health. This integration often involves disclosing one's identity to others; it may also entail participating in the gay community. Being able to discuss one's sexual orientation with others also increases the availability of social support, which is crucial to mental health and psychological well-being. Like heterosexuals, lesbians, gay men, and bisexual people benefit from being able to share their lives with and receive support from family, friends, and acquaintances. Thus, it is not surprising that lesbians and gay men who feel they must conceal their sexual orientation report more frequent mental health concerns than do lesbians and gay men who are more open; they may even have more physical health problems.

What about sexual orientation and coming out during adolescence?

Adolescence is a period when people separate from their parents and families and begin to develop autonomy. Adolescence can be a period of experimentation, and many youths may question their sexual feelings. Becoming aware of sexual feelings is a normal developmental task of adolescence. Sometimes adolescents have same-sex feelings or experiences that cause confusion about their sexual orientation. This confusion appears to decline over time, with different outcomes for different individuals.

Some adolescents desire and engage in same-sex behavior but do not identify as lesbian, gay, or bisexual, sometimes because of the stigma associated with a nonheterosexual orientation. Some adolescents experience continuing feelings of same-sex attraction but do not engage in any sexual activity or may engage in heterosexual behavior for varying lengths of time. Because of the

stigma associated with same-sex attractions, many youths experience same-sex attraction for many years before becoming sexually active with partners of the same sex or disclosing their attractions to others.

For some young people, this process of exploring same-sex attractions leads to a lesbian, gay, or bisexual identity. For some, acknowledging this identity can bring an end to confusion. When these young people receive the support of parents and others, they are often able to live satisfying and healthy lives and move through the usual process of adolescent development. The younger a person is when she or he acknowledges a nonheterosexual identity, the fewer internal and external resources she or he is likely to have. Therefore, youths who come out early are particularly in need of support from parents and others.

Young people who identify as lesbian, gay, or bisexual may be more likely to face certain problems, including being bullied and having negative experiences in school. These experiences are associated with negative outcomes, such as suicidal thoughts, and high-risk activities, such as unprotected sex and alcohol and drug use. On the other hand, many lesbian, gay, and bisexual youths appear to experience no greater level of health or mental health risks. Where problems occur, they are closely associated with experiences of bias and discrimination in their environments. Support from important people in the teen's life can provide a very helpful counterpart to bias and discrimination.

Support in the family, at school, and in the broader society helps to reduce risk and encourage healthy development. Youth need caring and support, appropriately high expectations, and the encouragement to participate actively with peers. Lesbian, gay, and bisexual youth who do well despite stress—like all adolescents who do well despite stress—tend to be those who are socially competent, who have good problem-solving skills, who have a sense of autonomy and purpose, and who look forward to the future.

In a related vein, some young people are presumed to be lesbian, gay, or bisexual because they don't abide by traditional gender roles (i.e., the cultural beliefs about what is appropriate "masculine" and "feminine" appearance and behavior). Whether these youths identify as heterosexual or as lesbian,

gay, or bisexual, they encounter prejudice and discrimination based on the presumption that they are lesbian, gay, or bisexual. The best support for these young people is school and social climates that do not tolerate discriminatory language and behavior.

At what age should lesbian, gay, or bisexual youths come out?

There is no simple or absolute answer to this question. The risks and benefits of coming out are different for youths in different circumstances. Some young people live in families where support for their sexual orientation is clear and stable; these youths may encounter less risk in coming out, even at a young age. Young people who live in less supportive families may face more risks in coming out. All young people who come out may experience bias, discrimination, or even violence in their schools, social groups, work places, and faith communities. Supportive families, friends, and schools are important buffers against the negative impacts of these experiences.

What is the nature of same-sex relationships?

Research indicates that many lesbians and gay men want and have committed relationships. For example, survey data indicate that between 40% and 60% of gay men and between 45% and 80% of lesbians are currently involved in a romantic relationship. Further, data from the 2000 U.S. Census indicate that of the 5.5 million couples who were living together but not married, about 1 in 9 (594,391) had partners of the same sex. Although the census data are almost certainly an underestimate of the actual number of cohabiting same-sex couples, they indicate that there are 301,026 male same-sex households and 293,365 female same-sex households in the United States.

Stereotypes about lesbian, gay, and bisexual people have persisted, even though studies have found them to be misleading. For instance, one stereotype is that the relationships of lesbians and gay men are dysfunctional and unhappy. However, studies have found same-sex and heterosexual couples to be equivalent to each other on measures of relationship satisfaction and commitment.

A second stereotype is that the relationships of lesbians, gay men and bisexual people are unstable. However, despite social hostility toward same-sex relationships, research shows



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Answers to Your Questions About Transgender Individuals and Gender Identity

What does transgender mean?

Transgender is an umbrella term used to describe people whose gender identity (sense of themselves as male or female) or gender expression differs from that usually associated with their birth sex. Many transgender people live part-time or full-time as members of the other gender. Broadly speaking, anyone whose identity, appearance, or behavior falls outside of conventional gender norms can be described as transgender.

However, not everyone whose appearance or behavior is gender-atypical will identify as a transgender person.

What is the difference between sex and gender?

Sex refers to biological status as male or female. It includes physical attributes such as sex chromosomes, gonads, sex hormones, internal reproductive structures, and external genitalia. *Gender* is a term that is often used to refer to ways that people act, interact, or feel about themselves, which are associated with boys/men and girls/women. While aspects of biological sex are the same across different cultures, aspects of gender may not be.

What are some categories or types of transgender people?

Transsexuals are transgender people who live or wish to live full time as members of the gender opposite to their birth sex. Biological females who wish to live and be recognized as men are called female-to-male (FTM) transsexuals or transsexual men. Biological males who wish to live and be recognized as women are called male-to-female (MTF) transsexuals or transsexual women. Transsexuals usually seek medical interventions, such as hormones and surgery, to make their bodies as congruent as possible with their preferred gender. The process of transitioning from one gender to the other is called sex reassignment or gender reassignment.

Cross-dressers or transvestites comprise the most numerous transgender group. Cross-dressers wear the clothing of the other sex. They vary in how completely they dress (from one article of clothing to fully cross-dressing) as well as in their motives for doing so. Some cross-dress to express cross-gender feelings or identities; others cross-dress for fun, for emotional comfort, or for sexual arousal. The great majority of cross-dressers are biological males, most of whom are sexually attracted to women.

Drag queens and drag kings are, respectively, biological males and females who present part-time as members of the other sex primarily to perform or entertain. Their performances may include singing, lip-syncing, or dancing. Drag performers may or may not identify as transgender. Many drag queens and kings identify as gay, lesbian, or bisexual.

Other categories of transgender people include *androgynous*, *bigendered*, and *gender queer* people. Exact definitions of these terms vary from person to person, but often include a sense of blending or alternating genders. Some people who use these terms to describe themselves see traditional concepts of gender as restrictive.

Have transgender people always existed?

Transgender persons have been documented in many Western and non-Western cultures and societies from antiquity until the present day. However, the meaning of gender variance may vary from culture to culture.

Why are some people transgender?

There is no one generally accepted explanation for why some people are transgender. The diversity of transgender expression argues against any simple or unitary explanation. Many experts believe that biological factors such as genetic influences and prenatal hormone levels, early experiences in a person's family of origin, and other social influences can all contribute to the development of transgender behaviors and identities.

How prevalent are transgender people?

It is difficult to accurately estimate the prevalence of transgender people in Western countries. As many as 2-3% of biological males engage in cross-dressing, at least occasionally. Current estimates of the prevalence of transsexualism are about 1 in 10,000 for biological males and 1 in 30,000 for biological females. The number of people in other transgender categories is unknown.

What is the relationship between transgender and sexual orientation?

People generally experience gender identity and sexual orientation as two different things. Sexual orientation refers to one's sexual attraction to men, women, both,

or neither, whereas gender identity refers to one's sense of oneself as male, female, or transgender. Usually people who are attracted to women prior to transition continue to be attracted to women after transition, and people who are attracted to men prior to transition continue to be attracted to men after transition. That means, for example, that a biologic male who is attracted to females will be attracted to females after transitioning, and she may regard herself as a lesbian.

How do transgender people experience their transgender feelings?

Transgender people experience their transgender feelings in a variety of ways. Some can trace their transgender identities or gender-atypical attitudes and behaviors back to their earliest memories. Others become aware of their transgender identities or begin to experience gender-atypical attitudes and behaviors much later in life. Some transgender people accept or embrace their transgender feelings, while others struggle with feelings of shame or confusion. Some transgender people, transsexuals in particular, experience intense dissatisfaction with their birth sex or with the gender role associated with that sex. These individuals often seek sex reassignment.

What should parents do if their child appears to be transgender or gender-atypical?

Parents may be concerned about a child who appears to be gender-atypical for a variety of reasons. Some children express a great deal of distress about their assigned gender roles or the sex of their bodies. Some children experience difficult social interactions with peers and adults because of their gender expression. Parents may become concerned when what they believed to be a "phase" does not seem to pass. Parents of gender-atypical children may need to work with schools and other institutions to address their children's particular needs and to ensure their children's safety. It is often helpful to consult with a mental health professional familiar with gender issues in children to decide how to best address these concerns. In most cases it is not helpful to simply force the child to act in a more gender-typical way. Peer support from other parents of gender variant children may also be helpful.

How do transsexuals transition from one gender to the other?

Transitioning from one gender to another is a complex process. People who transition often start by expressing their preferred gender in situations where they feel safe. They typically work up to living full-time as members of their preferred gender, by making many changes a little at a time.

Gender transition typically involves adopting the appearance of the desired sex through changes in clothing and grooming, adoption of a name typical of the desired sex, change of sex designation on identity docu-

ments, treatment with cross-sex hormones, surgical alteration of secondary sex characteristics to approximate those of the desired sex, and in biological males, removal of facial hair with electrolysis or laser treatments. Finding a qualified mental health professional to provide guidance and referrals to other helping professionals is often an important first step in gender transition. Connecting with other transgender people through peer support groups and transgender community organizations is also very helpful.

The Harry Benjamin International Gender Dysphoria Association (HBIGDA), a professional organization devoted to the treatment of transgender people, publishes *The Standards of Care for Gender Identity Disorders*, which offers recommendations for the provision of sex reassignment procedures and services.

Is being transgender a mental disorder?

A psychological condition is considered a mental disorder only if it causes distress or disability. Many transgender people do not experience their transgender feelings and traits to be distressing or disabling, which implies that being transgender does not constitute a mental disorder per se. For these people, the significant problem is finding the resources, such as hormone treatment, surgery, and the social support they need, in order to express their gender identity and minimize discrimination. However, some transgender people do find their transgender feelings to be distressing or disabling. This is particularly true of transsexuals, who experience their gender identity as incongruent with their birth sex or with the gender role associated with that sex. This distressing feeling of incongruity is called *gender dysphoria*.

According to the diagnostic standards of American psychiatry, as set forth in the *Diagnostic and Statistical Manual of Mental Disorders*, people who experience intense, persistent gender dysphoria can be given the diagnosis of *Gender Identity Disorder*. This diagnosis is highly controversial among some mental health professionals and transgender people. Some contend that the diagnosis inappropriately pathologizes gender variance and should be eliminated. Others argue that, because the health care system in the United States requires a diagnosis to justify medical or psychological treatment, it is essential to retain the diagnosis to ensure access to care.

What kinds of mental health problems do transgender people face?

Transgender people experience the same kinds of mental health problems that nontransgender people do. However, the stigma, discrimination, and internal conflict that many transgender people experience may place them at increased risk for certain mental health problems. Discrimination, lack of social support, and inadequate access to care can exacerbate mental health problems in transgender people, while support from

peers, family, and helping professionals may act as protective factors.

What kinds of discrimination do transgender people face?

Antidiscrimination laws in most U.S. cities and states do not protect transgender people from discrimination based on gender identity or gender expression.

Consequently, transgender people in most cities and states can be denied housing or employment, lose custody of their children, or have difficulty achieving legal recognition of their marriages, solely because they are transgender. Many transgender people are the targets of hate crimes. The widespread nature of discrimination based on gender identity and gender expression can cause transgender people to feel unsafe or ashamed, even when they are not directly victimized.

How can I be supportive of transgender family members, friends, or significant others?

- Educate yourself about transgender issues.
- Be aware of your attitudes concerning people with gender-atypical appearance or behavior.
- Use names and pronouns that are appropriate to the person's gender presentation and identity; if in doubt, ask their preference.
- Don't make assumptions about transgender people's sexual orientation, desire for surgical or hormonal treatment, or other aspects of their identity or transition plans. If you have a reason to need to know, ask.
- Don't confuse gender dysphoria with gender expression: Gender-dysphoric males may not always appear stereotypically feminine, and not all gender-variant men are gender-dysphoric; gender-dysphoric females

- may not always appear stereotypically masculine, and not all gender-variant women are gender-dysphoric.
- Keep the lines of communication open with the transgender person in your life.
- Get support in processing your own reactions. It can take some time to adjust to seeing someone who is transitioning in a new way. Having someone close to you transition will be an adjustment and can be challenging, especially for partners, parents, and children.
- Seek support in dealing with your feelings. You are not alone. Mental health professionals and support groups for family, friends, and significant others of transgender people can be useful resources.

Where can I find more information about transgender issues?

American Psychological Association
750 First Street, NE
Washington DC, 20002
202-336-5500
lgbc@apa.org (e-mail)
www.apa.org/pi/lgbc/transgender

The Harry Benjamin International Gender Dysphoria Association, Inc.
World Professional Association of Transgender
1300 South Second Street, Suite 180
Minneapolis, MN 55454
612-624-9397
612-624-9541 (fax)
hbigda@hbigda.org (e-mail)
www.hbigda.org

FTMInternational (FTM means Female-to-Male)
740A 14th St. #216
San Francisco, CA 94114
877-267-1440
info@ftmi.org (e-mail)
www.ftmi.org

Gender Public Advocacy Coalition
1743 Connecticut Ave., NW
Fourth Floor
Washington, DC 20009
202-462-6610
gpac@gpac.org (e-mail)
www.gpac.org

National Center for Transgender Equality
1325 Massachusetts Ave., Suite 700
Washington, DC 20005
202-903-0112
202-393-2241 (fax)
www.nctequality.org

Parents, Families, and Friends of Lesbians and Gays (PFLAG) Transgender Network (TNET)
1726 M Street, NW
Suite 400
Washington, DC 20036
202-467-8180
info@pflag.org (e-mail)
www.pflag.org/TNET.tnet.0.html

Sylvia Rivera Law Project
322 8th Avenue
3rd Floor
New York, NY 10001
212-337-8550
212-337-1972 (fax)
www.srlp.org

Transgender Law Center
870 Market Street
Room 823
San Francisco, CA 94102
415-865-0176
info@transgenderlawcenter.org (e-mail)
www.transgenderlawcenter.org



**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**

750 First Street, NE
Washington, DC 20002-4242

Office of Public Communications
202-336-5700
TDD: 202-336-6123
www.apa.org

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This brochure was written by the APA Task Force on Gender Identity, Gender Variance, and Intersex Conditions: Margaret Schneider, PhD, University of Toronto; Walter O. Bockting, PhD, University of Minnesota; Randall D. Ehrbar, PsyD, New Leaf Services for Our Community, San Francisco, CA; Anne A. Lawrence, MD, PhD, Private Practice, Seattle, WA; Katherine Louise Rachlin, PhD, Private Practice, New York, NY; Kenneth J. Zucker, PhD, Centre for Addiction and Mental Health, Toronto, Ontario, Canada. Produced by the APA Office of Public and Member Communications.

SJCSB-DA PRR 002512

GLSEN and National Center for Transgender Equality: Model District Policy on Transgender and Gender Nonconforming Students

http://transequality.org/PDFs/Trans_ModelPolicy_2014.pdf

This document outlines best practices for schools to ensure that all students are safe, included and respected in school, regardless of their gender identity or expression.

NCAA Inclusion of Transgender Athletes

http://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf

This resource provides best practice and policy recommendations for intercollegiate athletic programs to provide transgender student-athletes with fair and equal opportunities to participate. In addition to specific policy recommendations for college athletics, the resource provides guidance for implementing these policies to ensure the safety, privacy, and dignity of transgender student-athletes as well as their teammates. Specific best practice recommendations are provided for athletic administrators, coaches, student-athletes and the media.

Gender Spectrum & HRC: Supporting and Caring for Our Gender Expansive Youth

<http://www.scribd.com/doc/240595076/Supporting-and-Caring-for-Our-Gender-expansive-Youth>

This report outlines lessons learned from the Human Right's Campaign's youth survey and focuses on three questions: (1) how youth define their gender; (2) the relationship between young people's gender and their personal well-being at home, in school, and in their communities; (3) how can parents, youth-serving professionals, and organizations create more gender-inclusive environments for youth.

ACLU and GLSEN: Know Your Rights: A Guide for Trans and Gender Nonconforming Students

https://www.aclu.org/files/assets/transstudent_kyr_20120508.pdf

This guide from the American Civil Liberties Union and the Gay, Lesbian, Straight Education Network provides information for trans and gender nonconforming students about their legal rights at school regarding harassment, dress code, dates for prom and other formal dances, and more.

NCTE: Transgender and Gender Non-Conforming Students: Your Rights at School

http://transequality.org/Resources/KnowYourRightsSchools_April2014.pdf

This brochure outlines the rights trans and gender nonconforming students have in schools under Title IX and how to file formal complaints.

GLSEN: Model District Policy on Transgender and Gender Nonconforming Students

http://glsen.org/sites/default/files/Trans_ModelPolicy_2013.pdf

A model school policy on how to treat transgender students, containing vocabulary definitions, commentary on discrimination, federal protection, parental involvement, dress code, and how to deal with any media attention and privacy policies.

TLC: Transgender and Gender Non-Conforming Youth Recommendations For Schools

<http://www.transgenderlaw.org/resources/tlcschools.htm>

This resource from the Transgender Law Center provides recommendations for addressing the severe discrimination and harassment transgender and gender non-conforming youth face in school.

GLSEN: Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools

<http://glsen.org/learn/research/national/report-harsh-realities>

This 2009 report documents the school experiences of 295 transgender middle and high school students and finds that these students face extremely high levels of victimization, even more so than their cisgender lesbian, gay, and bisexual peers.

GLSEN Supporting Transgender and Gender Nonconforming Students

<http://www.glsen.org/article/educators-support-trans-and-gnc-students>

Video of GLSEN webinar on best practices for educators working with transgender and gender nonconforming students.

Trans Student Educational Resources

<http://transstudent.org/>

Trans Student Educational Resources is a youth-led organization dedicated to transforming the educational environment for trans and gender nonconforming students through advocacy and empowerment.

INJUSTICE AT EVERY TURN

This study brings to light what is both patently obvious and far too often dismissed from the human rights agenda. Transgender and gender non-conforming people face injustice at every turn: in childhood homes; in school systems that promise to shelter and educate; in harsh and exclusionary workplaces; at the grocery store, the hotel front desk; in doctors' offices and emergency rooms; before judges and at the hands of landlords, police officers, health care workers and other service providers.

Success By Design - Conference Sessions At a Glance

CHECK-IN MAIN AUDITORIUM

7:15	CHECK-IN MAIN AUDITORIUM								
8:00	<p>Welcome: Nan Worsowicz, Supervisor of School Counseling, Cindy Watson, Executive Director, JASMYN Keynote: Pat Martin, "College and Career Readiness Counseling (CCRC): Without a Presence, There is No Absence"</p>								
9:15	A1058 Auditorium	A3040Y	A3040K	A3040I	A2205	A3040Z	A3017A Room	A3040H	
	1. Mental and Behavioral Health Panel	2. Brief Solution - Focused School Counseling Tools	3. Pearls of Perfection: A Girls Mentoring Program at Work!	4. Empowering Males to Means	5. Teacher/ Counselor Collaboration for Increasing Positive Student Behavior	6. Energetic Learners - A Group for Attention Challenged Students	7. There's an App for That! - Creating an App for Your School	8. Peer Mediation	
10:25	9. Mental and Behavioral Health Panel (Repeat Session)	10. College and Career Readiness Counseling: Leadership and Vision - Roadmap to Execution with Equity and Fidelity	11. Trauma Informed Yoga Care	12. Living Out My Dreams: A Student Success Panel	13. Culturally Competent Ecological Grief and Trauma Response	14. Elementary Tricks of the Trade	15. Tech Tips, Tricks, and Tools for the 21st Century School Counselor	16. Peer Mediation (Repeat Session)	
LUNCH A 11:40 - 12:10									
RESOURCE FAIR A 12:10 - 12:40									
RESOURCE FAIR B 11:40 - 12:10									
RESOURCE FAIR B 12:10 - 12:40									
12:50	17. Reach Higher - White House Initiatives for College and Career Readiness	18. Brief Solution - Focused School Counseling Tools (Repeat Session)	19. Girl Matters: It's Elementary	20. Making It Work: Practical Tips for Managing an Effective and Efficient School Counseling Program	21. Success Cards	22. The 5 Steps of Preparing for College	23. Bam! I'll Check My Notes	24. Group Counseling: The Problem Solving Approach	
2:00	25. Games and Self-Assessments for Stress Management for Students (grade 4-12)	26. Parent Involvement	27. The Power of Poetry	28. How to Organize an "Instant Decision Day" Event	29. The Basics of a Successful College and Career Fair	30. Cancelled	31. RtI Processes: Academic and Behavior	32. Each One, Reach One Mentoring Program	

Special thanks to the following agencies for showcasing the services they provide to the students and families of our district.

2015 Resource Fair Participants

Big Brothers/Big Sisters of Northeast Florida

Child Guidance Center

Communities in Schools of Jacksonville

daniel, Inc.

Florida Youth Challenge

Jacksonville Children's Commission/JCC

Jacksonville Job Corps

JASMYN

Mental Health America, Inc./Federation of Families of NEFL

Operation New Hope

PFLAG/ Parents, Families and Friends of Lesbian, Gay, Bisexual and Transgendered Individuals

Public Health Department

River Region Human Services

The Players Center for Child Health at Wolfson Children's Hospital /Kid Care

Vocational Rehabilitation

Youth Crisis Center/YCC

being gay

coming out

relationships

diversity

THIS IS A

lesbian

bisexuality

homophobia

transgender

SAFE PLACE

community

discrimination

queer

safe-sex

TO TALK

bullying

family issues

ABOUT

depression

sexuality

pride

rejection

WHATEVER YOU HAVE ON YOUR MIND

Jacksonville Area Sexual Minority Youth Network (JASMYN)

★ Safe Space ★ Social Outlet ★ Somebody Who Cares ★

JASMYN's mission is to support and empower lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth by creating safe space, providing youth development services and bringing people and resources together to promote diversity and human rights.

JASMYN

offers support and opportunities for LGBTQ youth ages 13-23

"JASMYN has changed my life by helping me understand that I am not alone and that I have a voice that needs to be heard"
-Youth, 17

"Coming to JASMYN means I have a fighting chance – it gives me hope"

Youth, 19

MISSION: to support and empower lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth by creating safe space, providing youth development services and bringing people and resources together to promote diversity and human rights.

VISION: to create a world where young people are respected, valued, and empowered to be themselves.

"JASMYN has helped me learn to love myself no matter what."

Youth, 17

JASMYN PROGRAM & SERVICES:

SAFETY NET SERVICES:

- Drop-In Center
- Youth Development Programming
- Support Groups
- Street Smart
- Gender Connections
- Food & Personal Hygiene Pantry
- Case Management
- Comprehensive Risk Counseling Services
- Gay Youth Information Line

HEALTH SERVICES:

- Onsite STD Clinic
- HIV Testing & Counseling
- Linkage to HIV Care
- Health Education & Outreach
- Risk Reduction Counseling

ADVOCACY SERVICES & COMMUNITY IMPACT:

- Corporate Roundtables
- Foster Care Consultation
- Gay Straight Alliance Support
- LGBT Diversity Trainings
- Community Roundtables

SINCE 1998 JASMYN HAS SUPPORTED AND EMPOWERED OVER 25,000 LGBTQ YOUTH

- ★ Youth looking for a supportive community
- ★ Youth bullied by their peers
- ★ Youth making a difference in their schools
- ★ Youth suffering from isolation
- ★ Youth developing into leaders
- ★ Youth vulnerable to HIV/AIDS/STDs

Jacksonville Area Sexual Minority Youth Network



Safe Space • Social Outlet • Somebody Cares

HOW TO CONTACT JASMYN:

Mailing address: PO Box 380103 Jacksonville, FL 32205
Location: 923 Peninsular Place Jacksonville, FL 32204
Phone: 904-389-0089

jasmyn.org

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SJCSB-DA PRR 002518

TOP 10 WAYS JASMYN CAN SUPPORT YOUR GAY STRAIGHT ALLIANCE (GSA)

1. We can bring **resources & information** about JASMYN to your GSA! Who we are – What we do - How you can get involved!
2. We can bring a **button maker** to help you create GSA Pride.
3. You can organize a **GSA Field Trip** to visit the JASMYN house!
4. We can provide educational programming to help you educate your school on LGBT issues. Ex: LGBTQA Bingo, GSA Trivia, & GSA 101: Your Rights & Responsibilities.
5. You can visit our website for great GSA resources. www.jasmyn.org
6. You can participate in our **Annual JASMYN Prom!**
7. We can provide safe space stickers to your teachers & school administrators.
8. You can join JASMYN on **Facebook** for updates and information about what is happening.
9. You can call our Gay Youth Information Line for support or give the number to a friend: **(904)389-0089**.
10. We can connect you with other great LGBT **community resources**.



FUN THINGS TO DO AS A GSA!

Movie Night

Show an LGBT themed film or documentary at your next meeting. Have a discussion about it afterward!

Host a BBQ or Picnic

Work with the JASMYN GSA Network to involve the other GSAs in your area for a potluck picnic or BBQ.

Plan a Pride Dance or go to a LGBTQ dance in your area

Dances can be a great way to bring GSA members together and reach out to the school community, and Pride Proms are the highlight of the year's social activities for many GSAs. You don't have to plan your own! JASMYN hosts a Gay Prom every year

Plan Outdoor Activities

Meet at a park to play frisbee, softball, flag football, or whatever you want. These activities can be combined with a BBQ and are a great way to network and socialize with other GSAs. Or plan a hiking or camping trip.

Arts and Crafts

Get together after school or during lunch and make your own pride gear, a banner to use in marches, personalized buttons, or art to display in the library and display cases. **Ask to borrow JASMYN's button maker**

Hold a Pride Party (or any party!)

Who needs a good excuse to party?! Make it your GSA Coming Out Party. Be creative with food and decorations – The possibilities are endless. Ex: "I'm a Queen you're a Queen" Ice Cream Social!!!

Host a Bake Sale.

Raise awareness about your GSA while making some extra money for GSA events.

Plan or go to local rallies, LGBT events or lobbying events

It is always exciting to actively make change! There are always rallies and lobbying events you can find out about or learn from others on how to plan your own!

Host an awareness day at your school

Bring speakers, host workshops, have entertainment, and raise awareness about LGBTQ issues at your school! Awareness days can be anytime or around LGBT specific events such as Ally Week, Day of Silence, Harvey Milk Day or Transgender Day of Remembrance.



923 Peninsular Place Jacksonville, FL 32204
904-389-3857 • www.jasmyn.org



JASMYN's HIV & STI Health Clinic

FREE AND CONFIDENTIAL HIV and STI testing, counseling,
education, treatment and linkage for LGBTQ youth

13-23 years old

Twice a month on Thursdays

Check our website for dates and times

www.jasmyn.org

On-site medical and clinical staff in
a safe and supportive environment

At JASMYN Clinic you can access:

- Linkage to Care for HIV Positive Youth
- STI testing (Syphilis, Gonorrhea, and Chlamydia)
- STI treatment and or linkage to other community resources
- Rapid HIV Testing and counseling using Clearview blood tests that can be read in 15 minutes
- Risk Reduction Counseling
- Education and Linkage to Care
- Case management

923 Peninsular Place • Jacksonville, FL 32204

www.jasmyn.org • 904-389-0089



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Miami, FL 33143
www.yesinstitute.org

"Alone we can do so little; Together we can do so much."

- Helen Keller

Education Weekend January 15-18, 2016



Perhaps you've heard a lot of buzz already about our innovative communication and education curriculum, but often think, "Well, I'm too busy, I'll go to the next one".

Sounds reasonable. But why delay having access to tools right now to deal with communication breakdowns with your family, your loved ones, or co-workers? In just a few days, you can generate authentic and powerful conversations on the topics of gender and orientation, and other

conversations where you get stuck over "right vs. wrong" points of view.

Start the new year with our education on gender that provides paradigm shifts and insights about how to be authentic in your communication, not only with others, but with yourself. As Shakespeare wrote, "To thine own self be true."

Call us to register today at 305-663-7195 or www.yesinstitute.org/register

Holiday Giving

This season, consider investing in the work of YES Institute. 92% of every dollar goes directly to our suicide prevention and community education programs.

yesinstitute.org/donate

Gender Continuum

Fri., January 15, 2016, 9am-5pm

Communication Solutions™

Saturday & Sunday
January 16 & 17, 2016, 12pm-6pm

Deciphering the Matrix of Orientation

Mon., January 18, 2016, 9am-5pm

Register Today!

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Federal Executives Grapple with Policy Changes



Joseph Zolobczuk, YES Institute Executive Director of Education & Janet Dapprich, VA Health Education.

"You know, you're ruining your career."

"Why is the government wasting their money taking care of those people?"

"I feel like spitting on you."

These and other comments were received by federal employees working to abide by new federal workplace policy mandates, including acknowledgment of LGBT Pride Month in June. Government administrators now face diversity and inclusion challenges with the national passage of marriage equality along with high numbers of transgender clients coming forward within particular federal programs.

The South Florida Federal Executive Board, one of 10 intergovernmental executive leadership assemblies, invited YES Institute and Janet Dapprich from the Miami Veterans Administration (VA) Hospital LGBT Program to co-present at their 6th Annual Quad Conference. Held at US Southern Command Army Headquarters in Doral, a variety of federal administrators and leaders from various departments attended our sessions.

Janet Dapprich, MS Ed., Veteran Health Education Coordinator for Miami VA Healthcare System and outgoing LGBT Special Emphasis Coordinator, shared about her experience spearheading the Miami VA Hospital climate shift over the past three years.

"Thanks to the training I received from YES Institute's Communication Solutions™, I learned the importance of beginning this initiative as an open dialogue – first and foremost. We assured our people we were not asking them to change their personal values or beliefs. This is a conversation about keeping all our Veterans safe."

- Janet Dapprich, Veteran Health Education Coordinator

The rate of suicide-related events among transgender Veterans is more than 20 times higher than rates for the general VA population (Blosnick, et al., 2013), which has an already increased suicide risk, due to post-war trauma. Due to VA policy changes and patient advocacy efforts in recent years, increased access to treatment for this underserved population is so essential and critical to Veteran care.

Umut Dursun, MA, shared, "As a US Marine serving under Don't Ask Don't Tell, I was in constant fear of being dishonorably discharged. I loved serving my country. And the irony was I could serve as long as I told a lie about myself every day. I was up for re-enlistment, but instead chose to complete active duty after four years. Inauthenticity wears at you like a cut that won't heal."

"Your ability to present in such an interesting way produced one of the most memorable presentations in the conference's history. I personally appreciated how both of you engaged participants in an open dialogue."

- Jacqueline Arroyo, Executive Director of South Florida Federal Executive Board

YES Institute has consulted and presented to agencies across four federal branches, including employees under the US Department of Justice, US Department of Homeland Security, SAMHSA's TA Network with US Department of Health & Human Services, and several VISN-8 region hospitals with US Veteran's Affairs.

School Districts Training Demand Increases



Thanks to the efforts of Dally Pelaez and other committed members of the Student Services team, MDCPS faculty can register for professional development courses with YES Institute. If you are a teacher and would like to participate in our education courses, contact our office at 305-663-7195 for registration details.

De Palazzo, Diversity and LGBTQ Coordinator with the Office of Diversity, Prevention and Intervention with Broward

Tommy Murrell, YES Institute speaker, sharing about his experiences with gender.

In the first few weeks of this school year YES Institute received 40 new calls regarding gender transitioning children from Miami-Dade and Broward County public schools. Remarkably, a majority of these cases involve elementary-aged students.

Gladys Duran, TRUST Program District Chair and the new LGBTQ Student Support person with Division of Student Services for Miami-Dade County Public Schools (MDCPS), invited YES Institute to present to school counselors and teachers in October on transgender and gender expressive students.

County Public Schools (BCPS), invited YES Institute to present to school psychologists on transgender students along with psychologist Dr. Deborah Grayson.

The school psychologists gave a standing ovation to the YES Institute speakers. A grandmother, a father, and a transgender student spoke authentically about their painful and triumphant life experiences, leaving the audience requesting more. 29% of all YES Institute dialogues and courses in 2015 occurred in Broward County. We are coordinating additional professional development for BCPS faculty in the coming months.



De Palazzo (right) with Broward County Public Schools addressing school psychologists.

The Village People: Spotlight on Miami Shores



Miami Shores Police Department officers

Miami Shores is the first city in South Florida to invite YES Institute to make gender and orientation human relations training available for all of their village employees. Over 100 employees attended one of three sessions which included members of the Miami Shores Police Department, Code Enforcement, Libraries, Parks & Recreation, and numerous additional program managers and administrative officers.

“ Knowing we can refer to YES Institute as a resource when dealing with domestic situations, especially with parents and children, is a help to us. ”
- Village police officer

While the employees shared about how these topics come up in the workplace, the city staff also shared and opened up how these topics impact their personal lives as parents as well.

“ It was good to hear my coworkers communicating about these issues, as not all of them know I identify as bisexual. ”
- Village employee

It was inspiring to see such committed and professional village employees working hard to build a welcoming community for all people. We look forward to continuing to fulfill requests for our work in Miami Shores.

“ I was not looking forward to this training. I thought I was going to be lectured at how to ‘be nice to different people.’ Instead, I got this was about my experience. You won me over. ”
- Village employee



Lucy Hernandez, Executive Director of Administration with Village of Miami Shores employees.

Nursing Leadership on Gender & Orientation

Patient care practices continue to advance in today's medical profession. In keeping with these changes, The Joint Commission, one of the leading healthcare accrediting bodies in the US, produced a field guide to assist providers in ensuring equitable care environments for patients impacted by gender and orientation.

Healthcare leaders recognize that a policy document alone can't truly shift an entire organizational culture. Administrators and continuing education leaders bring in YES Institute to open an authentic dialogue with staff. Providers have the opportunity to listen and interact with guest speakers impacted by gender and orientation who share about their experiences in healthcare settings.

Evan McEwing, RN, BSN, CCRP, who is currently completing his doctoral-level internship with YES Institute this semester shared, "My partner was admitted to a South Florida hospital for 10 hours of neurosurgery. After 12 hours, waiting for a phone call, I returned searching frantically for him. I was treated like I didn't exist. The first nurse turned and walked away when I asked for his room. The second nurse said, grimacing, 'What do you mean by your 'partner'?' After two hours of being ignored by staff, I finally came across a third nurse who took the time to help me find him. As a nursing professional myself, I hope no one ever has to experience the anguish I did."



Joseph Zolobczuk, YES Institute Executive Director of Education with Bascom Palmer Eye Institute staff.

Nicklaus Children's Hospital

Nicklaus Children's Hospital, formerly known as Miami Children's, continues to invite YES Institute to present to their nursing staff and psychology interns. Invited by the Nursing Education department, YES Institute conducted an inservice with regards to the new Joint Commission updates in October. Over the years, we've developed a referral partnership with Pediatric Endocrinology and Psychology for youth deeply impacted by gender and orientation topics.

"While I've served numerous gay and lesbian youth patients, the idea of having a transgender patient was very confronting for me. I was greatly impressed with the transgender young adult speaker. I now feel more comfortable and better equipped to support transgender patients."

- Nurse's aide at Nicklaus Children's Hospital

Bascom Palmer Eye Institute

Bascom Palmer, ranked as the #1 eye hospital in the United States, provided an opportunity for 50 of their ambulatory, operating room, and inpatient nursing staff to receive an inservice from YES Institute:

"Your interactive presentation provided a fascinating review of gender theory and the current medical and public health disparities research on intersex (DSD), transgender and gay populations. Thank

you for addressing our staff on these important topics."

- Hilda Brito, RNBC, MSN, Director of Nursing Programs & Staff Development

**Kia Ora means "Hello!"
"Be Well!" "Welcome!"
in the Māori language**

We thank dear friend Joseph W. Blount for renewing his Kiaora Society membership at the Philanthropist level. Joseph's laudable support over the years allows YES Institute to impact the lives of countless youth and families and provides a solid foundation for our work to grow.

We acknowledge longtime friend Daniel Lewis who renewed at the Luminary level. Daniel's stalwart contributions to our work for numerous years played a large part in YES Institute achieving it's nineteenth year of service.

YES Institute thanks our continuing Visionaries Ruth Admire and Lee Osiason for their bold contributions through The Ruth Anderson Foundation and the Osiason Educational Fund. Longtime friends and Kiaora members, F. Lynn Leverett & Lane W. Park renewed their commitment and support at the Visionary level.

We recognize The Miami Foundation for their support of YES Institute as Champions. We welcome and thank our newest Leader, the Gay & Lesbian Lawyer Network Charitable Fund at Our Fund, and renewing Leaders Patricia Dowd-Davis & Gary Davis.

YES Institute graciously welcomes new Kiaora Mentors, Theresa Galivan & Helen Ocariz, The Robert S. Wennett & Mario Cader-Frech Foundation, and Joseph Zolobczuk. We heartily acknowledge our renewing Mentors this season: Dr. Patrick Abuzeni & Angela Patt, Sam Blum, Olga & Ignacio del Valle, Marisa di Giovanni, Liebe & Seth Gadinsky, Randall R. Gluss, Robert J. Hedigan, Linda Marraccini, Marsh & McLennan LLC Company, Tanya D. Pages, Scott Prosan, Bill Ross, Lee Schragger, Tim Wagoner, Laura White, Dr. Terilee Wunderman, and an Anonymous Donor.

YES Institute Young Professionals Society

Yuppies \$500

Kristin Boxleitner
Umut Dursun
Jennie Lopez
Jared Payne
SpectrUM

Yipsters \$250

Brandon Behr
Athena Hadjixenofontos
Caro Hernandez
Brittney & Kara McCabe
Evan McEwing
Deanna Saunders
Stephanie Yahn



Kiaora Society

Kiaora Society members donate \$1,000 or more to YES Institute annually.

Marta Weeks Exemplary - \$500,000

Rev. Marta S. Weeks

Philanthropist - \$150,000

Joseph W. Blount Educational Fund at YES Institute

Trustee - \$50,000

Joseph M. Kraus

Luminary - \$25,000

Daniel Lewis
Jonathan Lewis
Ed McAmis & Gabson Gonzalez
The TOBY Fund

Visionary - \$10,000

Lewis Aaron & Nigel Stirik
Jorge L. Basto & Robert Zimmerman
Patricia Calceda & Eduardo Salazar
Jonathan & Tina Kislik
F. Lynn Leverett & Lane W. Park
Paula Morabito & Marisa M. Yip
Osiason Educational Fund
June Raben, in memory of Murray Raben
The Ruth Anderson Foundation
Charles Urstadt & David Bernard

Champion - \$5,000

The Miami Foundation
Kevin Miller & Allan Hunter
Michael Rucker
Anonymous Donor

Leader - \$2,500

Thomas Blount
Patricia Dowd-Davis & Gary Davis
Gay & Lesbian Lawyer Network Charitable Fund at Our Fund
Thomas Gellman & Carlos Yudica
Mel Heifetz
The Logan Family
Dr. Jami J. Martin, Jr. & Forrest McSurdy
Karen Raben & Andrea Perntick
Carol & Ed Williamson
Traci Williamson

Mentor - \$1,000

Dr. Patrick Abuzeni & Angela Patt
Jorge Alonso & Scott Helms
Jose Alonso
Greg Baldwin & Jose Castro
Gonnie Barden
Peter E. Blacker
Sam Blum
Jerry Chasen & Mark Kirby
Bruce A. Christensen
John M. Cooney & Julie Fernandez
Joe Cross & Victor Vianello
Cynthia & Max Dachary
Jorge de la Cruz-Munoz
Olga & Ignacio del Valle
William Dewald

Marisa di Giovanni
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Victoria Gabriel
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Alfredo & Cristy Leon
Marla and Herys Ludovic
Larry Luig & Dario Espanosa
Linda Marraccini
Marsh & McLennan LLC Company
Marla Menendez & Floriano Alencar
Ed Miller, in memory of Marty Schildhouse
National Healthcare Institute, Inc.
William Neubauer
Robert Oldakowski & Lus Mendaza
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Cathy Pick
Jim Post & Sergio Landa
Scott Prosan
Dr. Alan K. Roberts & Alan Barger
Silvia Rojas
Bill Ross
Howard Perry Rothberg II & Paul A. Scolleri-Rothberg
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Rowana & Efrain Sara
Roxey-Cary Sara
Gary B. Stross
Joseph H. Treyz & Tony Dewell
Cynthia & Emilio Vazquez
Vega & Oprandi
Mariene Velasquez Sedita
Tim Wagoner
The Robert S. Wennett & Mario Cader-Frech Foundation
Laura White
Patricia Woodson
Dr. Terilee Wunderman
Bradley York & Enrique Pating
Joseph M. Zolobczuk
Anonymous Donor

YES Institute Poised to LEAP into 20th Year

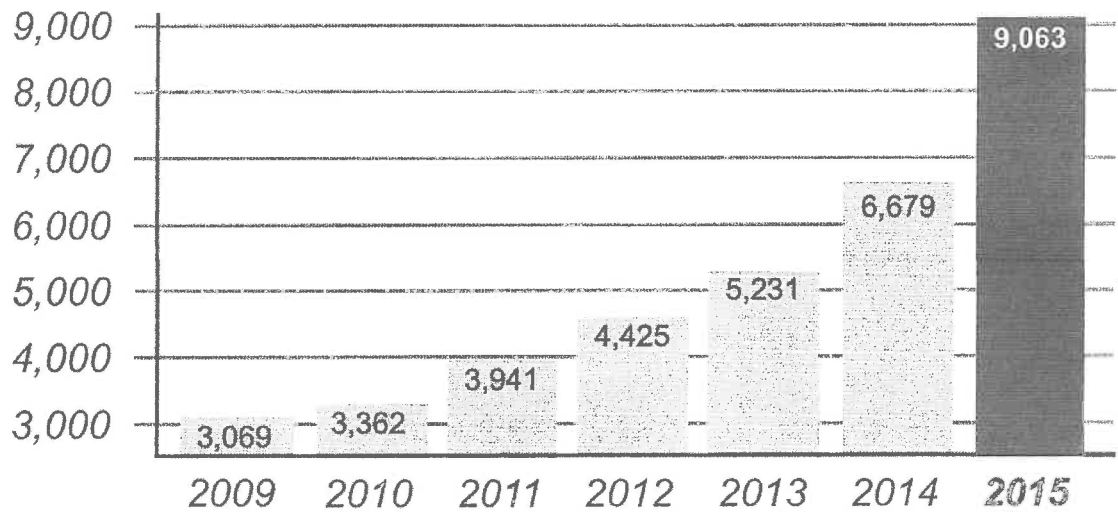
Nineteen years ago, our founders Connie Barden and Martha Fugate envisioned a community in which all youth could grow up as healthy individuals free of suicide, violence, and discrimination. Their vision continues to fuel our passion to have this be a reality in the lives of the people we serve.

Since 2009, the total number of people served in YES Institute dialogues and courses has increased nearly 200%. In 2015, 29% of all YES Institute dialogues and courses occurred in Broward County. Over the past seven years, we've impacted more than 35,000 people in our

communication and education work. Next year we anticipate reaching even more.

To manage this unprecedented demand we have committed to our new LEAP initiative (Leadership Education Apprentices Program). This new program provides highly intensive and ongoing training to develop dialogue facilitators and course leaders. LEAP will allow us to ramp up our capacity to meet the high demand for our education. We're currently training 10 new leaders in two classroom sessions each week. If you are interested in joining this program, please contact Joseph at 305-663-7195.

Total reached from 2009 to present. (Note: Includes special initiatives – 1,238 additional with 2014 YGRC initiative, and 2,905 additional with 2015 Delaware initiative.)



Joseph W. Blount Educational Fund Challenge

Thanks to the enormous generosity of Joseph Blount, for every donation received by December 31, 2015 your tax-deductible contribution will be matched up to \$100,000 by the Joseph W. Blount Educational Fund. We thank Joseph for the opportunity for donors to make an even greater impact with their contributions this holiday season.

Our Kiaora Society has allowed YES Institute to continue the work that is critical to protecting youth from suicide, violence, and discrimination. Kiaora Society members contribute \$1,000 or more annually. You can make your contribution in full or structure it monthly or quarterly. I invite

you to learn more about our work and support it financially.

Please call 786-301-3940 or email eva@yesinstitute.org to inquire today. All contributions through the end of the year have double the impact! You can also contribute online at yesinstitute.org/donate. Happy holidays and a prosperous new year!

Eva Leivas-Andino,
Director of Donor Development

Religious Leaders Open Hearts, Give Voice to Gender

Religious communities, much like schools and PTA's, are grappling with cultural and legal changes that have occurred in 2015 on gender and orientation. Faith leaders are often confronted with managing millenniums-old religious traditions amidst the rapidly shifting attitudes across all segments of American society in the current century.

Temple Beth Am

Rabbi Rachel Greengrass of Temple Beth Am hosted a special evening titled, "Transgender: Tradition & Transformation". Led by facilitators from YES Institute, the Hon. Judge Scott Bernstein addressed some of the legal hurdles for transitioning youth and adults, while Dr. Terilee Wunderman spoke about the mental health and well-being of youth and families dealing with gender.

The stars of the evening were the Behr family, who drove from Orlando to speak at Temple Beth Am, sharing their experiences about their child's journey with gender. The Behr family touched and enlightened the congregation with their story of courage, strength, and love.

Lois, mother of Brandon shares, "I can't even begin to express my gratitude for inviting us to share our story with the congregation and the community. As Jews, it is our responsibility to make the world a better place. The more educated people are with these topics, the better off the world will be."

"We know firsthand the work done by the staff and volunteers of YES Institute saves lives and relationships by opening up the conversation around gender and identity."

- Lois Behr

Riviera Presbyterian Church

Riviera Presbyterian Church (RPC), which houses YES Institute, welcomes new minister Rev. Martha Shiverick and Daniel Morales. RPC's new Director of University Ministries. Pastors Martha and Danny along with the church's leadership continue to forward the charge of "welcoming people of all backgrounds, and identities, affirmed and celebrated as part of God's beautiful creation." Daniel serves as a leader and openly gay religious role model for the student body at University of Miami, helping college students navigate life's challenges.

RPC is actively investigating the possibility of transforming their church restrooms to gender neutral facilities. For many transgender youth and adults, using the restroom can be a terrifying experience so difficult that many withhold from using public facilities for the entire 8-hour school and work days. We applaud Riviera for this initiative.

If you are interested in opening up a dialogue with your faith community on the topics of gender and orientation, consider scheduling a Community Dialogue by calling 305-663-7195.



Joseph Zolobczuk, YES Institute Executive Director of Education, Robert & Lois Behr, Hon. Scott Bernstein, Brandon Behr and Dr. Terilee Wunderman.

Schools in Transition: 3rd Graders Learn About Transgender

Norman Edelcup Sunny Isles Beach K-8

While much ado about the lives of transgender celebrities was sensationalized in the media this past year, television isn't a meaningful substitute for authentic dialogue, quality education, and grassroots engagement for students and parents in local communities.

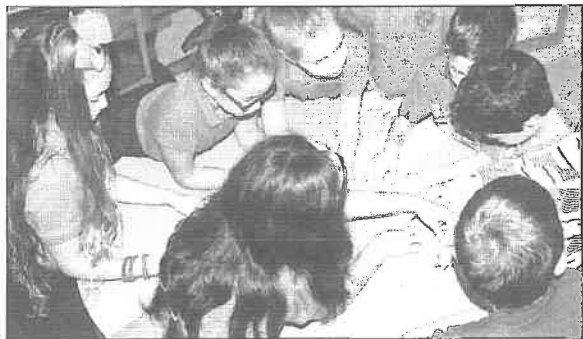
In April, YES Institute was invited by the PTA of Norman Edelcup Sunny Isles Beach K-8 school to provide education on student bullying, gender and orientation stigma, and emerging awareness about transgender students. "I am glad my 12-year old heard this talk today," wrote one mother. "We just had a conversation last night about this. She is gay and I've known for a year now. I am very supportive, however, I worry for her safety." - Parent/Teacher

After parents remarked how this session was one of the most interesting and important educational talks they've experienced, the PTA along with school officials made arrangements to have YES Institute present to their 3rd and 4th grade students.

"Today I learned that you could be yourself. And not to make fun of others and no name calling."
- 3rd grade student

"Girls can do anything boys can do. I also learned that bullying is really bad because it can hurt people's feelings."
- 4th grade student

While society and culture begin to adjust to the reality of transgender youth, teachers and parents are now struggling with communication. One parent remarked, "What do I say to my eight year-old child about 'transgender' when they ask me questions? I barely understand this myself." Other parents are concerned with "the age-appropriateness of these conversations."



Students engaging in a gender puzzle activity.

These questions and anxieties dissipated as parents and school administrators engaged in authentic conversation together. A bright future for student safety and well-being are now well underway at Sunny Isles Beach K-8.

Archimedean Academy Upper Conservatory

Not only do public school third graders have questions on gender topics, but so do charter and private high school students as well. YES Institute was honored to be invited to present to Archimedean Academy, where math and science classes are taught in the Greek language, and their school ranks among the top 20 most academically challenging high schools in the US.

National studies show 80% of youth hear daily comments such as, "That's so gay," and, "Dude, you're a fag!" Messages such as these have implications for all students and are connected to an insidious cycle of bullying through gender stereotypes. Studies also show 87% of "bullies" are prior targets of bullying by others.

"I learned that no matter what other people think of me and say to me, I now know who I truly am. This opened a necessary conversation in our school."
- High school student

In the environment of rigorous academic courses of study, students can do without the added pressure of contending with gender-based harassment. YES Institute speakers shared how their experiences were marred by anti-gay bullying, which lead to depression, low self-esteem and poor attendance.

"I learned to redefine and accept what it means to be male, female, or transitioning. What someone identifies as shouldn't be stigmatized by society."
- High school student

"As a mother, it opened my eyes to the need for dialogue with my child about gender and orientation."
- Teacher/Parent

The work of YES Institute supports public and private school teachers, parents, and counselors in the effort to ensure learning environments are safe and welcoming for all students.

Opening Dialogue and Education Across Delaware

“ I would drive up to school and stop the car. I cried in the parking lot for half an hour before I could compose myself to teach my classes for the day. All the time I would be thinking, which student is going to be next? ”

- Kent County high school teacher

In 2012, the State of Delaware experienced a high number of student suicide deaths and attempts. Epidemiologists from the US Centers for Disease Control were brought in to conduct an in-depth investigation into the factors contributing to the high rate of suicides throughout the school districts.

“ This hits home here at Polytech. This is personal for us. I don't think we have healed and I am sitting here with tears. I had two of the students who committed suicide. This is a very long process. ”

- Faculty member



Umut Dursun, MA, YES Institute Community Liaison, addressing Delaware students.

Several of the suicides were correlated with family rejection of their child's sexual orientation. Officials have anecdotally shared that suicide attempts this past school year included both gender and orientation factors. While successful intervention and prevention efforts have been implemented across the state since 2012, there has not been a coordinated effort to address gender and orientation topics directly with schools, teachers, and parents until this September.

YES Institute was invited by the Delaware Department of Services for Children, Youth and Their Families (DSCYF) to connect with school districts, principals, PTAs, school counselors, parents and system of care mental health providers in a week-long visit that directly engaged thousands of middle and high school students, their parents, and school officials. We also conducted two mental health provider workshops in Kent and New Castle Counties.

In the coming months, YES Institute will be working on an evaluation report and continuing to engage with stakeholders about how to continue to empower communities in Delaware to have conversations on gender and orientation. Faculty from select schools will also be participating in our Education Weekend in Miami, in January 2016.

“ I learned how early in the child's development is the realization of who they are and how crucial our support is for them to fulfill their real 'selves'. ”

- Licensed Clinical Social Worker

Funding for this trip was made possible through the Substance Abuse Mental Health Services Administration (SAMHSA) Technical Assistance Network. SAMHSA is a federal agency under the Department of Health & Human Services.



Joseph Zolobczuk, YES Institute Executive Director of Education, presenting to students and faculty.

Meet the New Executive Directors



Lucy Hernandez, LCSW, Executive Director of Administration,
and Joseph Zolobczuk, MS Ed., Executive Director of Education.

I completed my graduate work at University of Miami, School of Education & Human Development studying Community & Social Change. As Executive Director of Education, I am relentlessly committed to delivering the very best programs and providing access to communication and education that make our community safe and welcoming for all.

Lucy

Having worked in the foster care community for 20 years, I am excited to continue serving youth and families as the newest member of YES Institute. Born to Cuban immigrants and raised in South Florida, I graduated from Florida International University with a Masters Degree in Social Work. In child welfare, I fulfilled a desire to be the voice for children who were abused and neglected. I attended

YES Institute's Communication Solutions™ in April where I discovered a new passion. Where I once was a voice for children, I discovered how I can empower youth to use their own voice. I am ecstatic to be serving as the Executive Director of Administration, where I will fuse my years of expertise with fresh eyes as we look ahead to the future of YES Institute.

We are both honored to be a part of such an amazing organization with a powerful mission. Please enjoy reading about the accomplishments that are a direct result of supporters like you. We celebrate with you as we look forward to 2016 and the 20th Anniversary of YES Institute.

Lucy and Joseph



The Source For Knowledge On
Gender & Orientation

Mission

To prevent suicide and ensure the healthy development of all youth through powerful communication and education on gender and orientation.

Phone

305-663-7195

Website

yesinstitute.org

Address

5275 Sunset Drive
Miami, FL 33143

Dear Friends,

We are excited to introduce ourselves as the new leadership team of YES Institute! This summer the Board of Directors, in partnership with our founders and staff, came to the realization that shared leadership would best suit the needs of our growing organization. With two executive directors at the helm, we are poised to fulfill the high demand for our work and the exponential growth anticipated for our future.

Joseph

I have served on the staff of YES Institute since 1996, and today I'm absolutely thrilled to be fulfilling our mission in a new capacity. I feel privileged to have directly worked with our beloved mentors and co-founders Martha Fugate and Connie Barden, in the early years of then called Project YES. I've experienced the power that authentic, heart-centered dialogue and quality education makes in the lives of the countless youth and families we serve. In 2012,



THE SOURCE FOR KNOWLEDGE ON GENDER AND ORIENTATION™

ReVision

re (ri) n. 1. anew, again vision (vizzh'en) n. 1. the manner in which one sees or conceives of something

Initiating Dialogue Across State of Delaware

Youth suicide in the state reveal stigma around orientation as a stressor. YES Institute heeds the call and trains 2,900 people statewide.

See page 3

Schools in Transition: Educating 3rd Graders

Parents and PTA members of Sunny Isles Beach K-8 ask, "How can we educate about transgender students with 8 year-olds?"

See page 4

Religious Leaders Open Doors, Open Hearts

Temple Beth Am and Riviera Presbyterian Church lead in addressing gender and orientation topics in faith communities.

See page 5





U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights



Dear Colleague Letter
Notice of Language Assistance

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

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給英語能力有限人士的通知: 如果您不懂英語, 或者使用英語有困難, 您可以要求獲得向大眾提供的語言協助服務, 幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊, 請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線: 1-800-877-8339), 或電郵: Ed.Language.Assistance@ed.gov。

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), hoặc email: Ed.Language.Assistance@ed.gov.

영어 미숙자를 위한 공고: 영어를 이해하는 데 어려움이 있으신 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 1-800-USA-LEARN (1-800-872-5327) 또는 청각 장애인용 전화번호 1-800-877-8339 또는 이메일 주소 Ed.Language.Assistance@ed.gov 으로 연락하시기 바랍니다.

Paunawa sa mga Taong Limitado ang Kaalaman sa English: Kung nahihirapan kayong makaintindi ng English, maaari kayong humingi ng tulong ukol dito sa inpormasyon ng Kagawaran mula sa nagbibigay ng serbisyo na pagtulong kaugnay ng wika. Ang serbisyo na pagtulong kaugnay ng wika ay libre. Kung kailangan ninyo ng dagdag na inpormasyon tungkol sa mga serbisyo kaugnay ng pagpapaliwanag o pagsasalín, mangyari lamang tumawag sa 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o mag-email sa: Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

February 22, 2017

Dear Colleague:

The purpose of this guidance is to inform you that the Department of Justice and the Department of Education are withdrawing the statements of policy and guidance reflected in:

- Letter to Emily Prince from James A. Ferg-Cadima, Acting Deputy Assistant Secretary for Policy, Office for Civil Rights at the Department of Education dated January 7, 2015; and
- Dear Colleague Letter on Transgender Students jointly issued by the Civil Rights Division of the Department of Justice and the Department of Education dated May 13, 2016.

These guidance documents take the position that the prohibitions on discrimination “on the basis of sex” in Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulations, see, e.g., 34 C.F.R. § 106.33, require access to sex-segregated facilities based on gender identity. These guidance documents do not, however, contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did they undergo any formal public process.

This interpretation has given rise to significant litigation regarding school restrooms and locker rooms. The U.S. Court of Appeals for the Fourth Circuit concluded that the term “sex” in the regulations is ambiguous and deferred to what the court characterized as the “novel” interpretation advanced in the guidance. By contrast, a federal district court in Texas held that the term “sex” unambiguously refers to biological sex and that, in any event, the guidance was “legislative and substantive” and thus formal rulemaking should have occurred prior to the adoption of any such policy. In August of 2016, the Texas court preliminarily enjoined enforcement of the interpretation, and that nationwide injunction has not been overturned.

In addition, the Departments believe that, in this context, there must be due regard for the primary role of the States and local school districts in establishing educational policy.

In these circumstances, the Department of Education and the Department of Justice have decided to withdraw and rescind the above-referenced guidance documents in order to further and more completely consider the legal issues involved. The Departments thus will not rely on the views expressed within them.

Dear Colleague Letter

Page 2 of 2

Please note that this withdrawal of these guidance documents does not leave students without protections from discrimination, bullying, or harassment. All schools must ensure that all students, including LGBT students, are able to learn and thrive in a safe environment. The Department of Education Office for Civil Rights will continue its duty under law to hear all claims of discrimination and will explore every appropriate opportunity to protect all students and to encourage civility in our classrooms. The Department of Education and the Department of Justice are committed to the application of Title IX and other federal laws to ensure such protection.

This guidance does not add requirements to applicable law. If you have questions or are interested in commenting on this letter, please contact the Department of Education at ocr@ed.gov or 800-421-3481 (TDD: 800-877-8339); or the Department of Justice at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Sincerely,

/s/

Sandra Battle
Acting Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

T.E. Wheeler, II
Acting Assistant Attorney General for Civil Rights
U.S. Department of Justice

Defendant's Exhibit 238
(Video - Not Scanned - Filed Separately)




Office of the Attorney General
Washington, D. C. 20530

October 4, 2017

MEMORANDUM

TO: UNITED STATES ATTORNEYS
HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Revised Treatment of Transgender Employment Discrimination Claims
Under Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 makes it unlawful for employers to discriminate in the employment of an individual “because of such individual’s . . . sex.” 42 U.S.C. § 2000e-2(a) (prohibiting discrimination by private employers and by state and local governments); 42 U.S.C. § 2000e-16(a) (providing that personnel actions by federal agencies “shall be made free from any discrimination based on . . . sex”). Title VII’s prohibition of sex discrimination is a strong and vital principle that underlies the integrity of our workforce.

The question of whether Title VII’s prohibition on sex discrimination encompasses discrimination based on gender identity *per se*, including discrimination against transgender individuals, arises in a variety of contexts. In a December 15, 2014, memorandum, Attorney General Holder concluded that Title VII does encompass such discrimination, based on his view that Title VII prohibits employers from taking into account “sex-based considerations.” Memo. at 2; *see also id.* at 1 n.1 (defining “gender identity” and “transgender individuals”).

Although federal law, including Title VII, provides various protections to transgender individuals, Title VII does not prohibit discrimination based on gender identity *per se*. This is a conclusion of law, not policy. The sole issue addressed in this memorandum is what conduct Title VII prohibits by its terms, not what conduct should be prohibited by statute, regulation, or employer action. As a law enforcement agency, the Department of Justice must interpret Title VII as written by Congress.

Title VII expressly prohibits discrimination “because of . . . sex” and several other protected traits, but it does not refer to gender identity. “Sex” is ordinarily defined to mean biologically male or female. *See, e.g., Etsitty v. Utah Transit Auth.*, 502 F.3d 1215, 1221-22 (10th Cir. 2007); *Hively v. Ivy Tech Cmty. Coll.*, 853 F.3d 339, 362 (7th Cir. 2017) (en banc) (Sykes, J., dissenting) (citing dictionaries). Congress has confirmed this ordinary meaning by expressly prohibiting, in several other statutes, “gender identity” discrimination, which Congress lists in addition to, rather than within, prohibitions on

discrimination based on “sex” or “gender.” *See, e.g.*, 18 U.S.C. § 249(a)(2); 42 U.S.C. § 13925(b)(13)(A). Furthermore, the Supreme Court has explained that “[t]he critical issue, Title VII’s text indicates, is whether members of one sex are exposed to disadvantageous terms or conditions of employment [or other employment actions] to which members of the other sex are not exposed.” *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 80 (1998). Although Title VII bars “sex stereotypes” insofar as that particular sort of “sex-based consideration[]” causes “disparate treatment of men and women,” *Price Waterhouse v. Hopkins*, 490 U.S. 228, 242, 251 (1989) (plurality op.), Title VII is not properly construed to proscribe employment practices (such as sex-specific bathrooms) that take account of the sex of employees but do not impose different burdens on similarly situated members of each sex, *see, e.g., Jespersen v. Harrah’s Operating Co., Inc.*, 444 F.3d 1104, 1109-10 (9th Cir. 2006) (en banc).

Accordingly, Title VII’s prohibition on sex discrimination encompasses discrimination between men and women but does not encompass discrimination based on gender identity *per se*, including transgender status. Therefore, as of the date of this memorandum, which hereby withdraws the December 15, 2014, memorandum, the Department of Justice will take that position in all pending and future matters (except where controlling lower-court precedent dictates otherwise, in which event the issue should be preserved for potential further review).

The Justice Department must and will continue to affirm the dignity of all people, including transgender individuals. Nothing in this memorandum should be construed to condone mistreatment on the basis of gender identity, or to express a policy view on whether Congress should amend Title VII to provide different or additional protections. Nor does this memorandum remove or reduce the protections against discrimination on the basis of sex that Congress has provided all individuals, including transgender individuals, under Title VII. In addition, the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act and the Violence Against Women Reauthorization Act prohibit gender identity discrimination along with other types of discrimination in certain contexts. 18 U.S.C. § 249(a)(2); 42 U.S.C. § 13925(b)(13)(A). The Department of Justice has vigorously enforced such laws, and will continue to do so, on behalf of all Americans, including transgender Americans.

If you have questions about this memorandum or its application in a case, please contact your Civil Chief or your Component’s Front Office.

**Defendant's Exhibit 254
(Under Seal per Doc. 158)**

**Defendant's Exhibit 255
(Under Seal per Doc. 158)**