LEARNING OUTCOME

After participating...

...you will be able to identify areas for improvement in your institutional processes regarding Title IX and your campus LGBTQ+ community.
Title IX and Protecting the Rights of the LGBTQ+ Community on your Campus

AGENDA

• The Link Between Title IX and the LGBTQ+ Community Rights On Campus
• The Current National Landscape
• Gender vs. Orientation Based Discrimination
• 5P Framework for Title IX Compliance
• Raising Awareness & Creating A More Inclusive Campus

#AliTraining

THE LINK BETWEEN TITLE IX AND THE LGBTQ+ COMMUNITY RIGHTS ON CAMPUS
Title IX and Protecting the Rights of the LGBTQ+ Community on your Campus

- **LINK: TITLE IX & LGBTQ+ RIGHTS ON CAMPUS**
  - Title IX of the Education Amendment Acts of 1972
  - Prohibits sex and gender based discrimination in federally funded schools (K-12 and IHE’s)
  - Previously only associated with “equity in athletics”
  - 2011 Dear Colleague Letter

- **LINK: TITLE IX & LGBTQ+ RIGHTS ON CAMPUS**
  - Applies to all employees, students and third parties
  - May be applicable to behavior that occurs off campus, if on campus environment becomes affected because of the behavior
  - Applies to all programs, events, admission, athletics, employment, etc..
**LINK: TITLE IX & LGBTQ+ RIGHTS ON CAMPUS**

- Sex/gender based harassment and sexual violence are forms of discrimination.
- Allows for Private right of action IF “notice” + “deliberate indifference” occurs
- May 2016 DCL- Letter on Transgender Students

# Altraining

**THE CURRENT NATIONAL LANDSCAPE**
NATIONAL LANDSCAPE

- Social Security benefits
- First Amendment religious rights of private business owners vs civil rights laws protecting the LGBTQ+ Community
- Transgender prisoners
- FDA and ban on blood donations from men who’ve had sex with other men in the previous year
- WHO considering changing its transgender identity classification

NATIONAL LANDSCAPE (cont.)

- Bisexual women are 1.7 times more likely to have a teen pregnancy than heterosexual women.
- History was made at the recent Democratic National Convention in Philadelphia
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**EDUCATION LANDSCAPE**

- Since 2011, the focus in higher ed (as it pertained to Title IX) seemed to be heterosexual sexual assault
- Many institutions never made the connection between Title IX its application to the LGBTQ+ population
- According to Campus Pride 2010 Campus Climate Survey, 23% LGBTQ people more likely to experience harassment than heterossexuals; 39% of transgender people reported experiencing harassment.

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**GLSEN 2013 CLIMATE SURVEY (Gr 6-12)**

- 55.5% of LGBT students feel unsafe at school because of sexual orientation; 38.7% because of gender expression.
- 35% of LGBT students avoid bathrooms and locker rooms because they feel unsafe.
- 27.2% of LGBT students experienced verbal harassment frequently or often because of sexual orientation; 20% for gender expression.
- 9.9% of LGBT students experienced physical harassment (pushing, shoving) often or frequently because of sexual orientation; 7.1% because of gender expression.
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- EDUCATION LANDSCAPE (cont.)
  - Many IHE’s remain in the dark regarding the LGBTQ+ community and their needs while on campus
  - *Grimm v. Gloucester School Board* (4th Circuit)
  - *Videckis v. Pepperdine* (District Court in California)
  - *Stiles v. Grainger County* (6th Cir.)

- EDUCATION LANDSCAPE (cont.)
  - NCAA
  - Wyandotte/2016 DCL (DOJ/DOE)
  - Over 20 states have filed lawsuits against Obama administration over this guidance
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FREEDOM OF SPEECH & EXPRESSIONS

Speech should not be used to demean, exclude or offend. However, people should feel free to express and define themselves in whatever manner they feel most comfortable.

#AItraining

GENDER VS ORIENTATION BASED DISCRIMINATION
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WHAT IS LGBTQIA+?

- Lesbian
- Gay
- Bisexual
- Transgender
- Queer/Questioning
- Intersex
- Ally
  + Includes everyone else!

WHAT IS LGBTQIA+?

**“SEX”**

Sex Assigned at Birth

- Female
- Male
- Other/Intersex

**Biology:**

- Anatomical: External/Internal genitalia
- Physiological: Hormones
- Genetic: Chromosomes
- Identified at birth

Female/Intersex/Male

**“GENDER”**

Gender Expression/Presentation

- Feminine
- Masculine
- Other

**Social & Legal Construct:**

- Roles
- Activities
- Behaviors
- Attributes ascribed by culture

Masculine/Feminine/Androgynous
**EXPLAINED OF POTENTIAL DISCRIMINATION**

**SEX DISCRIMINATION**
- Not being offered a job because HR found out the person has “both male and female body parts”
- Paying a male executive more because he’s a male and paying a female counterpart with the same qualifications less because she is a female

**GENDER DISCRIMINATION**
- Women want families; we want a “go-getter”
- Men aren’t that compassionate; women make better nurses.
- Women are more emotional, we don’t want a “crier” on our team

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**“GENDER IDENTITY”**

Gender Identity
- Female/Woman/Girl
- Male/Man/Boy
- Other Gender(s)

- A person’s internal sense of his/her own gender
  - Man/Male/Woman/Female
  - Transgender/Cisgender
  - Non-binary
  - Genderqueer
- Genitalia ≠ Gender Identity
- Early childhood
- How we identify ourselves
**SEXUAL ORIENTATION**

- Enduring emotional, physical, romantic, & sexual attraction
  - Heterosexual
  - LGBTQ (Lesbian, Gay, Bisexual, Queer)
  - Asexual
  - Pansexual
- Puberty
- Who we prefer to date romantically

**“5P” FRAMEWORK FOR UNDERSTANDING TITLE IX COMPLIANCE**
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**POLICY**

- Non-discrimination Policy
- Policy and Procedure on Sex Discrimination and Gender-Based Harassment
- Discrimination Complaint Procedure
- Student Conduct Code

**PROCESS**

- Step-by-step of what needs to be done in cases of alleged sex or gender based discrimination
- Provides for “interim measures” (i.e. safeguards to protect students while case is proceeding)
- Standard of Review = Preponderance of the evidence (“more likely than not”)
- Appeals - how does a person who disagrees with the decision have it reviewed by a higher authority?
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PEOPLE

- Title IX Coordinator(s)/Deputies
- Investigators
- Confidential Resources
- Responsible employees/Mandatory Reporters

PROFESSIONAL DEVELOPMENT

- Refers to training of “people” associated with the Title IX process on campus
- They must have specialized knowledge
- They must be well versed in the law and the federal regs
- They must understand their role on behalf of the campus’ process (equitable)
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PROGRAMMING

- Refers to general training of the entire campus (like this presentation!)
- Per OCR: Bystander intervention, definitions, campus’ processes, confidential resources, responsible employees
- Training for campus should be regular and ongoing

RAISING AWARENESS & PREVENTING DISCRIMINATION BY CREATING A MORE INCLUSIVE CAMPUS
PERSONAL GENDER PRONOUNS (PGPs)

- Asking for and using someone’s PGPs (personal gender pronouns) is a great way to show respect and support.
- Ignoring someone’s PGPs misgenders them, and is disrespectful and hurtful and you risk alienating them entirely.
- If you slip up, apologize, and move on – DO NOT dwell or make a big deal about it.
- Some people don’t use pronouns.

SUPPORT FOR TRANSITIONING/TRANSGENDER INDIVIDUALS

- BE VISIBLE - Make yourself known as an LGBTQ ally. Use safe space stickers or posters. Use inclusive language. Respond to anti-LGBT behavior.
- SUPPORT STUDENTS WHO COME OUT TO YOU - When a student tells you their LGBTQ status. Appreciate their courage. Offer support. Listen and be patient. Be a role model of acceptance. Assure and respect confidentiality.
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- **PREFERRED NAME**

  - Birth/legal/preferred
  - Legal implications
  - Allies should not share information about a transgender person that may undermine their gender identity, such as their birth name or old photos that do not align with their current gender identity.

- **SAFE SPACES**

  - A Safe Space is a welcoming, supportive and safe environment for lesbian, gay, bisexual and transgender (LGBT) students.
  - For many students, simply knowing that allies exist can be a source of support. Research shows that LGBT students with many supportive educators feel safer at school, skip fewer classes, and earn higher grades than students without supportive educators.
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# BATHROOMS

- A toilet is just another seat!
- Transgender is not equal to predator
- Use of public restrooms by transgender people is more of a safety issue for them than you
- You can’t tell what someone’s genitalia is just by looking at them.
- Unisex/Gender-Neutral facilities are a great way to be inclusive.

# BUILDING AWARENESS & ACCEPTANCE ON CAMPUS

Other best-practices to consider:
- LGBTQ-focused ally training for faculty and staff.
- Allow students to change gender marker on records without letters of support or legal change.
- Gender-inclusive restrooms in at least half of buildings on campus.
- Include gender identity in non-discrimination policy.
- Hold regular health clinics to provide transgender-specific health care services.
Thank you!

Please remember to complete the event evaluation. Your comments will help us continually improve the quality of our programs.