



Advancing LGBTQ+ Justice and Transgender Advocacy



Pre-Attendance Package

UniServ Directors will gain a deeper understanding of the LGBTQ+ community and the issues critical to providing support and guidance that is not only inclusive but liberating.

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Why Pre-Attendance Assignments?

The resources compiled here are short, relevant and intended to help you shift from the day to day cognitive load of work to the thinking you will use as a learner at the academy. We rely on a number of popular education strategies that involve the use of texts and scenarios for group work. Many participants find it difficult to do a “first read” in the classroom so we have provided those items here in case you would like to review them.

Read and Reflect: (Please Do Before Arriving)

Please take the time before arriving to read out community agreements on p. 3-4. We will engage you in a discussion at the very start of our time together around these agreements and your commitment to them.

Articles for Thinking: (Optional Food for Thought)

The resources included on pages 6-27 are primarily designed to help frame “why” we are offering this academy. We many reference them in our work together. They may cause you to generate questions that you will want to explore while we are together. They may provide information about our group scenario work. Consider these options to read prior to attending.

Resources for Group Work: (Please Do Before Arriving)

The resources on pages 5 and 28-35 are for group work. They will require some attention to the details. You should set aside some time to read and review these prior to coming especially if you are not comfortable doing a “first read” amongst others. In the case of the scenarios, it is not imperative that you have them memorized, just be familiar with them.

Resources for Later: (After You Return)

The resources on pages 36-70 are for your use later. They are quite helpful in both your own personal work and when you are supporting the growth of others as they deal with discrimination and biased language in the workplace.

Community Agreements for Our Time

Awareness and Self-Knowledge

This requires self-knowledge and self-awareness. Self-knowledge allows you to see what causes you pain and conflict and enables you to embrace your contradictions and inconsistencies. It allows the space to work on things about yourself that you are not happy with. In turn, self-knowledge helps to prevent you from projecting your negative aspects onto other people. Bringing your best self also requires that you have a positive attitude, are willing to deeply explore your perspectives and remain open to the perspectives and experiences of others.

Listening for Understanding

Be an active listener. Active listening involves paying full and careful attention to the other person, looking him or her in the eye, avoiding interruptions, reflecting your understanding, clarifying information, summarizing the other person's perspectives and sharing your own. Remember that most people need time to open up and might not be willing to immediately share their personal stories, hopes, fears and/or concerns.

Being Gracious

Being kind is a vital way of bringing meaning to our own lives, as well as the lives of others. Kindness is about caring genuinely for others around you, wanting the best for them and recognizing in them the same wants, needs, aspirations and even fears that you may have. Being kind and generous allows us to communicate better with others, to be more self-compassionate and to be a positive force in other people's lives. We are gracious when we accept and genuinely work to use the pronouns that others ask us to use. Being gracious includes following the COVID protocols that are in place to protect the health of this learning community.

Staying Engaged

Staying engaged requires you to be morally, emotionally, intellectually and socially involved in the conversation. Staying engaged means that you are listening with curiosity and willing to deepen your understanding. Staying engaged might also require you to sustain the conversation even when it gets uncomfortable or diverted. This means a commitment to keeping your electronic communications to a minimum with folks not present in this learning community. This also means being present for all portions of the learning agenda.

Being Open and Suspending Judgment

Listening with an open mind includes being receptive to the influence of others. You can suspend judgment by becoming aware of preconceived notions and listening to everything someone has to say before jumping to conclusions. Most importantly, suspending judgment also means listening to what the speaker has to say for understanding, not just to determine whether the speaker is right or wrong. This means that we recognize each of us will make mistakes and that we have the capacity to grow. We should expect imperfections.

Saying "I" - tell your truth

Speaking your truth in authentic and courageous conversations about race and other issues where experiences/perspectives may differ widely from yours requires a willingness to take risks. It means that you will be absolutely honest and candid about your own thoughts, feelings, experiences and opinions and not just saying what you perceive others want to hear. Speaking your truth will require you to speak from the "first person" and use "I" statements.

Seeking Discomfort

Leaning in to discomfort will require you to let go of understandings and stereotypes that you may be holding onto in order to move forward. Leaning in means that you will avoid pre-judgment and be open to the kernel of wisdom in each individual's experiences. Leaning in to discomfort will require you to sit through moments of embarrassment, confusion, anxiety, and/or fear.

Reaching Empathy

Empathy and compassion allow you to understand the other person's point of view. When you are empathetic, you are more understanding, patient and kind. Expanding your capacity to feel empathy will also allow others to enter your circle of human concern. Sharing, using, and respecting pronouns is a very simple form of empathy.

Expecting Non-Resolution and Non-Closure

Expect and accept that there may not be closure. It is not likely that you will resolve your personal understanding about race or another person's racial experience in a single conversation. The more you talk about race or other issues with another person, the more you learn and the more they will learn. Authentic and productive conversations about race and other issues where experiences/perspectives may differ widely from yours are continuous and always evolving. This means that sometimes we will have unfinished, unexplored, and shortened conversations about some concepts.

**Adapted from "Embracing equity and inclusion", Annie E. Casey Foundation*

What questions do you want to ask about any of the ideas in these agreements?

What additional agreements do you need in order to be a fully participating member of our learning community?

Can you commit to these agreements? IF not, what would it take for you to be able to commit?

Porter, Billy. Unprotected. New York, Abrams Press, 2021.

PROLOGUE

This is not a coming-out story. It's not a down-low story either. I never could have passed for straight, even if I'd wanted to, and so I never had the dubious luxury of living a lie.

By the time I was five, it was all too clear that something was wrong with me. Everyone knew it, and I knew it too. It was why grown-ups shook their heads and spoke in lowered tones whenever I was in the room. It was why I had to talk to a Nice White Man once a week, in his office in the big building up the street. The man and I played games, and he asked me a lot of questions. Sometimes I knew the answers and sometimes I was confused.

But I wasn't confused about why I was there. The Nice White Man was a doctor. He was working to help fix me. I didn't know the name of my mysterious affliction, but I did know that it had already manifested itself in many unacceptable ways.

For one, I was drawn to all the wrong pastimes. Double Dutch jump rope and hopscotch and jacks were for girls. It was wrong to want an Easy-Bake Oven for Christmas, and therefore Santa was never going to bring me one. I would get a set of drums instead (but the noise would bother Aunt Dorothy and I would seldom be allowed to play them). It was wrong not to care about football, wrong to shun contact sports in general.

I was also taken with all the wrong clothing. I brightened at the sight of all the wrong colors, the deep jewel tones and soft pastels. I loved the wrong fabrics too: taffeta and lace and velvet and lamé, material that rustled and swished and swirled with every step. It was wrong to love all the glorious hats on the ladies at church. And the trimmings on those hats! Veils and feathers and flowers and sequins and beads and rhinestones and ribbons and bows. Paul the Apostle had decreed that women should cover their heads during worship, and Black ladies had turned this directive into an art form.

It was wrong to be mesmerized by Aunt Sharon's shoe closet. To be excited by the rows of slingbacks and stilettos in silver and lilac and violet and mauve. To run my fingertips along their leather and satin and crocodile sides. It was especially wrong to slip on my very favorite pair—the candy-apple red pumps with the highest heels—and sashay back and forth before the full-length mirror, overcome by the splendor of them on my very own feet. It was why I was no longer allowed in her room.

Though I could not have articulated it back then, not even to myself, my fixation on fashion went deeper than mere aesthetics. I sensed that clothing was a potent signifier—that its import went beyond its visual appeal. Later I would come to understand that the finery donned by Black churchgoers was a powerful form of resistance. Many of them were employed during the week as domestic servants, or security guards, or custodians, and were required to wear uniforms meant to reinforce their status as less-than. To dress impeccably and regally on the Lord's day, then, was to insist on their own dignity and worth in a world that sought to systematically strip them of both. It was a way to assert that they were God's children too, and in His house, they would adorn themselves in a manner befitting the glory of the Lord!

I didn't have the words for any of this at the time, just a child's awareness that people carried themselves differently in different clothing, that fashion could effect a profound transformation, on the outside and inside both. The dazzling pageantry of Sunday worship filled me with delight, and I longed to be a part of it—but even in this, my desires were all wrong, for while I adored rockin' a three-piece, reversible Easter or Christmas

suit situation, I also longed to dress like the ladies, from spike heel to majestic crown.

But I'm getting ahead of myself. To render a childhood in which I was continually urged to seek the Bible's guidance in all matters, let us do as that Good Book does, and start *in the beginning*.


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FACT SHEET JUN 1, 2022

Fact Sheet: LGBT Workers in the Labor Market

New data from the Census Bureau reveal economic insecurity and labor market gaps experienced by LGBT people compared with non-LGBT populations.

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Building an Economy for All. Economy, Jobs, LGBTQ Communities of Color, LGBTQ Health, LGBTQ Rights, LGBTQ Youth, Wages



Activists rally in support of LGBTQI+ rights at New York City Hall, October 2019. (Getty/Drew Angerer)

The COVID-19 pandemic and ensuing economic crisis resulted in significant hardship for people across the country: Tens of millions of people lost their jobs, unemployment rates increased, and economic activity declined. To mitigate these economic impacts, federal policymakers enacted multiple relief bills, including the American Rescue Plan

Act. These investments shortened the recession in the wake of the pandemic and have helped propel a historic economic recovery resulting in the most jobs ever created in a single year, an unprecedented drop in unemployment, and dramatic reductions in the child poverty rate and food insufficiency. However, while the United States is experiencing a more equitable recovery compared with prior recessions, systemic inequities persist, particularly for LGBTQI+ communities.

Using new data from the Household Pulse Survey (HPS), this fact sheet examines the economic security and labor market experiences of LGBT communities since July 2021, when the U.S. Census Bureau took the historic step of adding questions on sexual orientation and gender identity to the HPS. The data reveal that although some LGBT individuals are more likely or just as likely to be employed compared with non-LGBT individuals, they are also more likely to live in households earning below the poverty line and to struggle to make ends meet.

For decades, compared with the general population, LGBTQI+ people have faced increased risk of experiencing economic insecurities, such as higher rates of poverty, unemployment, and public benefits use. Not only has the pandemic disproportionately affected LGBTQ people, but the recovery has also likely perpetuated existing inequities, leaving many LGBTQ workers stranded in low-quality jobs that offer poverty wages, few benefits, and limited protections.

READ MORE ON THE IMPORTANCE OF LGBTQI+-INCLUSIVE DATA COLLECTION

REPORT

Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities

May 24, 2022

Caroline Medina, Lindsay Mahowald

While improving data collection on LGBTQI+ communities through labor-market-specific surveys more broadly is necessary to enhance the public's and policymakers' understanding of the proliferation of low-quality jobs among LGBTQI+ workers, the data demonstrate a clear need for the creation of good jobs that target LGBTQI+ people.

Data source: The Household Pulse Survey

In April 2020, the Census Bureau launched the HPS as part of its experimental data collection effort to quickly and efficiently gauge the impact of the COVID-19 pandemic on households across the country. In July 2021, the Census Bureau added questions about sexual orientation and gender identity—a historic step that marked the first time a survey sponsored by the Census Bureau asked these questions. Policymakers and researchers have already used these data to inform federal and state response and recovery planning, as well as to generate research on food insufficiency, housing insecurity, and economic challenges that LGBT people encounter. Importantly, adding these questions on large-scale data collection instruments allows for data disaggregation that enables researchers to analyze outcomes for people living at the intersection of multiple marginalized identities, such as Black LGBT people.

The inclusion of these questions on the HPS represents important progress and illustrates that other federally supported data collection instruments can and should include these questions. Expanding federally supported data

collection on sexual orientation, gender identity, and variations in sex characteristics, including intersex traits, is essential to identifying and addressing disparities that LGBTQI+ communities experience across key areas of life.

Impacts of the pandemic on the economic security of LGBTQI+ communities

Compared with the general population, LGBTQI+ people face significant challenges that obstruct pathways to achieving economic security, including discrimination in employment and housing, workforce exclusion, and lack of access to jobs that pay well and offer benefits that meet their needs and those of their families. For LGBTQI+ people with disabilities, LGBTQI+ communities of color, and transgender people, these barriers to reach economic stability are heightened. In many ways, the COVID-19 pandemic shed light on and likely exacerbated long-standing economic disparities faced by underserved communities, including people of color, people with disabilities, and LGBTQ people.

Evidence from earlier on in the pandemic reveals that LGBTQ households, especially low-income LGBTQ people and LGBTQ people of color, were more likely than non-LGBTQ households to experience food insecurity, loss of employment, significant financial challenges, and barriers to accessing health care as a result of the pandemic. Losses in employment income come at a time when the unemployment rate is at historic lows and employers are claiming that they are struggling to find workers amid the ongoing good jobs shortage.

New data from the HPS reveal that:

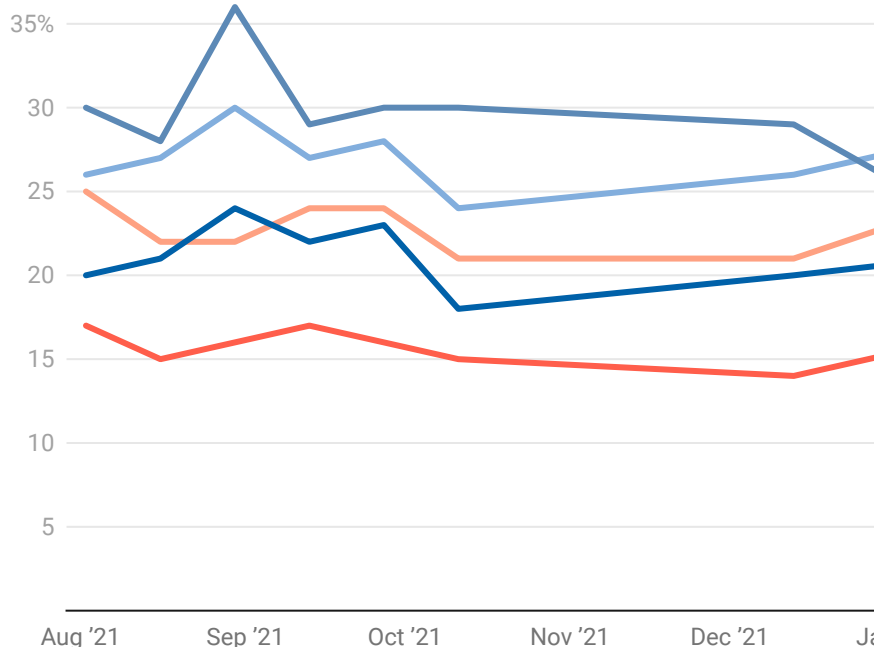
- LGBT households are more likely to live in poverty. LGBT individuals were more likely than non-LGBT individuals to report a household income of less than \$25,000 in 2020, at 20 percent compared with 14 percent. Put another way, many LGBT individuals live in households that are at or near the poverty line. LGBT respondents of color (26 percent) and transgender respondents (28 percent) are even more likely to earn less than \$25,000.
- LGBT households are more likely to report losing a source of employment income. On average, from July 2021 to April 2022, LGBT individuals were also more likely than non-LGBT individuals to report that they or someone in their household had lost a source of employment income in the past four weeks, at 21 percent compared with 15 percent. These disparities are heightened among LGBT respondents of color (26 percent) and transgender respondents (29 percent), which was a consistent trend for the past year. (see Figure 1)
- LGBT households experience more difficulty paying household expenses. On average, from July 2021 to April 2022, LGBT individuals were more likely than non-LGBT individuals to report that it has been somewhat or very difficult for their household to pay for usual household expenses in the past week, at 38 percent compared with 29 percent, with rates consistently highest among LGBT respondents of color (46 percent) and transgender respondents (50 percent). (see Figure 2) Usual household expenses include but are not limited to food, rent or mortgage, car payments, medical expenses, and student loans.

Figure 1

LGBT individuals report greater loss of employment income during the pandemic than non-LGBT individuals overall

Share of individuals who reported that they or someone in their household lost their employment income in the past 4 weeks

— LGBT
 — Non-LGBT
 — LGBT people of color
 — Transgender
 — Non-LG



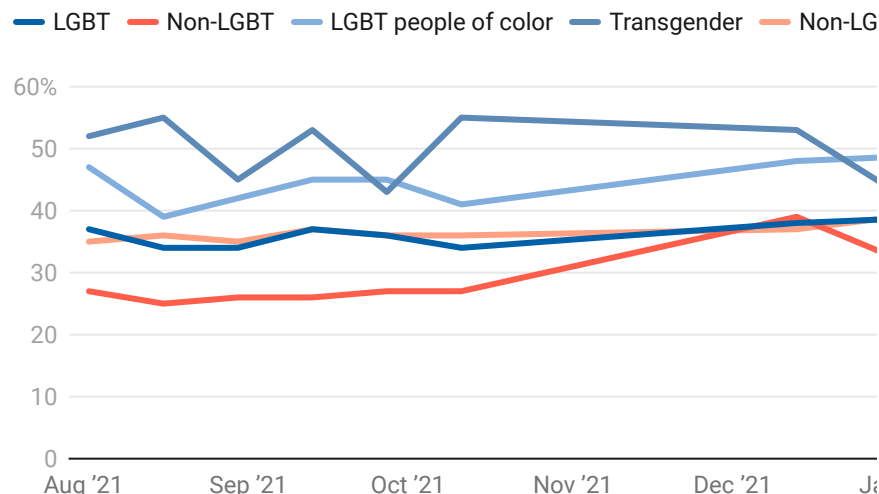
Hover over or click to see values

Note: The U.S. Census Bureau collected these data in intervals from July 21, 2021, to April 11, 2022. The dates included refer to the last day of data collection for each interval. All columns not indicating 'people of color' are not race specific.

Figure 2

LGBT individuals have greater difficulty paying their usual household expenses than non-LGBT individuals overall

Share of individuals who reported that it had been "somewhat difficult" or "very difficult" for their household to pay their usual expenses* in the past 30 days



Hover over or click to see values

* Including basic amenities such as food, rent, mortgage, and medical expenses

Note: The U.S. Census Bureau collected these data in intervals from July 21, 2021, to April 11, 2022. The dates included refer to the last day of data collection for each interval. All columns not indicating 'people of color' are not race-specific.

Chart: Center for American Progress • Source: U.S. Census Bureau, "Household Pulse Survey Public Use File (PUF), Weeks 34–41," available at <https://www.census.gov/programs-surveys/household-pulse-survey/datasets.html> (last accessed April 2022).

Labor market experiences of LGBTQI+ workers

LGBTQI+ people experience labor market disparities, as they often struggle to find employment; when they do, they often work in low-wage occupations. While some LGBT workers have higher employment rates than non-LGBT individuals, as explained above, they still struggle to make ends meet. The experience of LGBT individuals in the paid labor market is a reminder that job quality, and not merely job attainment, is critical to economic security.

New data from the HPS reveal that:

- LGBT people work more and at higher rates. LGBT respondents were more likely than non-LGBT respondents to report working in the past seven days, at 65 percent compared with 57 percent. (see Figure 3) Across all age groups, LGBT respondents were either more likely than or just as likely as their non-LGBT counterparts to work over time. While this signals that employment rates are fairly equitable across populations, it also masks the disparities experienced in job quality and economic insecurity. However, transgender respondents experienced

lower employment rates than both other groups within the LGBT community and non-LGBT people, signaling a challenge in attaining employment.

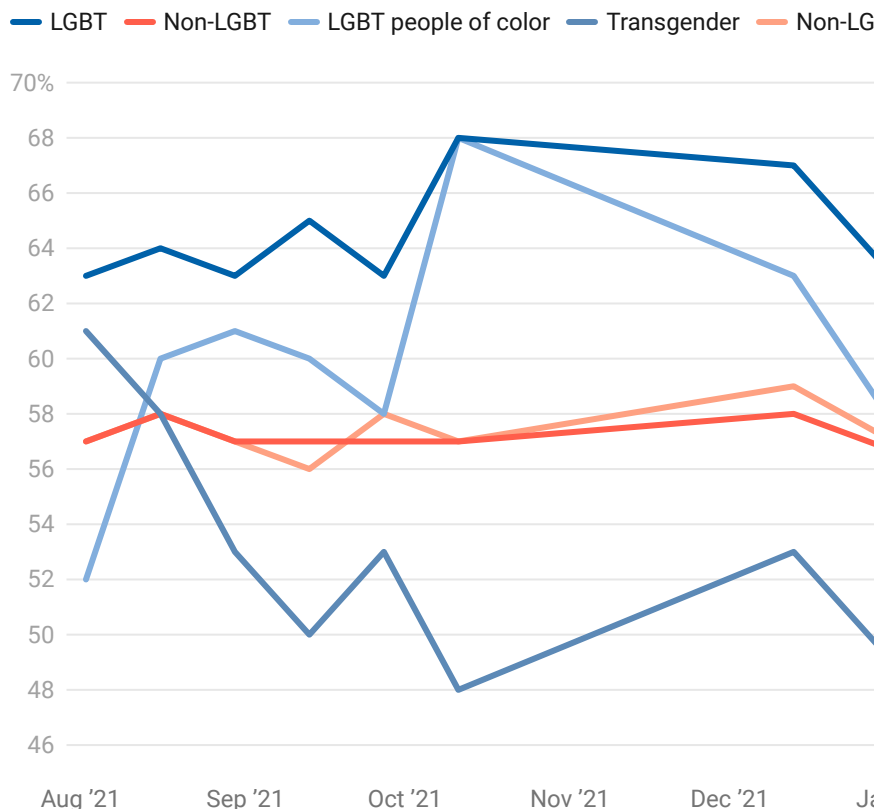
- LGBT people are more likely to work at grocery and convenience stores. LGBT respondents were nearly twice as likely as non-LGBT respondents to report working at food or beverage stores, which include grocery stores and convenience stores, at 11 percent compared with 6 percent. LGBT respondents of color (12 percent) and transgender respondents (14 percent) were also more likely to report working at food or beverage stores.
- LGBT people are more likely to use unemployment insurance. LGBT respondents, particularly transgender respondents, were more likely than non-LGBT respondents to report receiving unemployment insurance since January 2022. This likely underestimates the number of respondents who are both unemployed and eligible for unemployment insurance.

Figure 3



LGBT individuals were more likely to report working during the pandemic than non-LGBT individuals overall

Share of individuals who reported doing any work in the past 7 days for either pay or profit



Hover over or click to see values

Note: The U.S. Census Bureau collected these data in intervals from July 21, 2021,

Recommendations

While the economic recovery has been more equitable than prior recoveries, existing inequities persist among LGBTQI+ communities, particularly in the labor market. The U.S. labor market must foster equitable opportunity for all, including LGBTQI+ workers. Policymakers can help ensure this occurs by expanding and improving LGBTQI+-inclusive data collection and promoting good jobs for LGBTQI+ workers.

Enhance LGBTQI+-inclusive data collection

Enhancing data collection on sexual orientation, gender identity, and variations in sex characteristics, including intersex traits, is critical to providing policymakers and researchers with the tools necessary to craft policy solutions that reduce disparities and advance equitable outcomes for LGBTQI+ communities.

CAP recommends that:

- The Biden-Harris administration add measures of sexual orientation, gender identity, and variations in sex characteristics, including intersex traits, to the following priority surveys, which collect indispensable data on the social, economic, housing, public benefit use, and demographic characteristics of households across the country: the American Community Survey, the Current Population Survey, and the Survey of Income and Program Participation.
- Congress pass the LGBTQ Data Inclusion Act to add questions on sexual orientation and gender identity to federally supported surveys and expand the bill to include data collection on people with intersex traits.
- The Biden-Harris administration and Congress allocate funding to support the efforts of agencies to adopt these questions on federally supported data collection instruments and to invest in ongoing research to continue testing and improving question design.

Promote good jobs for LGBTQI+ workers

Good jobs should be available to all workers, regardless of gender identity, sexual orientation, or intersex status. These jobs should not only offer fair wages that allow workers to support themselves and their families but also include the health benefits that LGBTQI+ workers need and support workers' right to come together in unions. For transgender and disabled LGBTQI+ workers in particular, jobs often fall short of offering critical health benefits on top of paying poverty wages that leave workers unable to make ends meet.

CAP offered guidelines and recommendations for policymakers interested in creating good jobs for LGBTQI+ workers and their families in its report from April. In addition to collecting better data on the economic well-being of LGBTQI+ Americans, the report recommends that policymakers:

- Ensure that jobs funded through federal spending are good jobs for LGBTQI+ workers and their families.
- Make existing anti-discrimination protections real by empowering LGBTQI+ workers to stand up for their rights.
- Build pathways to good jobs through apprenticeships and training focused on LGBTQI+ workers and youth.

- Support the right of workers to come together in solidarity and promote collective bargaining as a means of strengthening protections for LGBTQI+ workers.
- Lead through federal example by making sure the federal government is a model employer for its direct public employees.

Conclusion

The experiences of LGBTQI+ workers, including LGBTQI+ workers of color and transgender workers, within the labor market have not been well documented due to a lack of available data. Using new HPS data, this fact sheet reveals that LGBT workers face economic insecurity and are likely overrepresented in low-paid occupations. While limitations in the data point to a broader need for job quality and labor market surveys that ask questions on gender identity, sexual orientation, and variations in sex characteristics, including intersex traits, the HPS data underline the urgent need for policymakers to include LGBTQI+ workers in their efforts to create good jobs.

The authors would like to thank Anona Neal, Lily Roberts, Karla Walter, and Nicole Lee Ndumele for their input and review.

Methodology

As of this publication, 11 iterations of the HPS include questions on sexual orientation and gender identity. Collectively, the data include 51,216 LGBT individuals, 647,603 non-LGBT individuals, 13,694 LGBT people of color, and 3,121 transgender individuals. The data were weighted to account for nonresponse, adults per household, and coverage. All in-text statistics comparing LGBT respondents with non-LGBT respondents are significant at the 0.05 level. Data and a detailed methodology are on file with the authors and available publicly via the Census Bureau.

- Respondents coded as “LGBT” include those who reported that 1) they were “Gay or lesbian,” “Bisexual,” and/or “Transgender”; 2) their gender assigned at birth was “Male” and that their current gender identity is “Female”; and/or 3) their gender assigned at birth was “Female” and that their current gender identity is “Male.” Respondents who met criteria 2) or 3) were coded as transgender.
- Respondents coded as “people of color” include those who reported that they were 1) “of Hispanic, Latino, or Spanish origin”; 2) “Black, alone”; 3) “Asian, alone”; or 4) “Any other race alone, or race in combination.”
- The Census Bureau imputed gender assigned at birth where it was not provided. For the purposes of accurately identifying transgender respondents, those with imputed gender assigned at birth were removed from the sample.

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Former teacher files lawsuit against Chesterfield Schools, says she was told to be more feminine

by: [Kerri O'Brien](#)

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<https://www.wric.com/news/taking-action/former-teacher-files-lawsuit-against-chesterfield-schools-says-she-was-told-to-be-more-feminine/>

CHESTERFIELD COUNTY, Va. (WRIC) — A former Chesterfield County teacher claims she was told by administrators she was too masculine and needed to be more feminine.

Dina Persico, a former civics teacher, has filed a [federal lawsuit](#) against Chesterfield County Public Schools alleging gender discrimination. She believes she was repeatedly harassed because she is a lesbian. “Flamboyant was a favorite term of theirs,” she explained of school administrators. “‘Your appearance is too flamboyant, you’re arm movements are too flamboyant,’ it’s said with intent and that intent is to say that you’re gay.”

Persico tells 8News the alleged harassment was initiated by administrators and other staff at Providence Middle School and intensified at Midlothian High School. She claims she faced repeated reprimands about her appearance. “It was suggested that if I seemed more feminine, I would be less intimidating as a person.” Persico says her principal even suggested she change her wardrobe. “‘If you just throw a skirt on once in a while, we wouldn’t have any of these problems,’” Persico recalled.

The former teacher also says she was once banned from the ladies room. “I went to put my hand on the door and he actually blocked me and was like, ‘no, that’s really not appropriate, you going in there with all the, you know, young female students,’” Persico said, adding that she felt humiliated. “*It was an assault on my person, and then it was like your basic human dignity, I just need to use the restroom. That’s all I need to do.*” “This is gender discrimination,” Persico’s attorney, Colleen Quinn, added. “Just this on-going barrage of criticism because of how she dresses,” Quinn said.

Button downs, a sweater or fleece, pants and athletic shoes — that was typical teaching attire for Persico. “I’m just not a fashion person,” she said. “Simple shirt, I put on a second layer because I get cold.” Her employee handbook contains only a few lines on dress code that call for a “professional image.” Chesterfield County Public Schools provided this dress code policy to us. It calls for “appropriate business attire.” Persico taught in another Virginia school district for 10 years without issue. [Online](#), she gets rave reviews from former students. She also has piles of notes from students praising her work in Chesterfield.

If you ask her about teaching civics, something she dreamed of doing since she was a kid, she lights up. “I absolutely loved it,” she said. “You get to teach kids what it means to be a citizen and how to participate in government.” She tells 8News the alleged constant badgering started

when the principal at Providence Middle School learned she is gay and married to a fellow teacher. Her wife, Erin Guthe, said “It’s very clear to me that my wife was discriminated against because of the way that she expresses her gender.

“I think I and women like me are given more of a pass because we appear more feminine.” Erin Guthe. Guthe says she even witnessed some of the attacks on Persico’s appearance. “I was actually in the meeting where the assistant principal told her to change her hairstyle,” Guthe recalled. “They even suggested I get bangs,” Persico added. Eventually it all took its toll, and Persico suffered a mini-stroke. The doctor told her it stemmed from work. “She said it was 100 percent related to stress,” said Persico.

Guthe says the experience was devastating for Persico. “She has lost her entire sense of self-identity and who she is,” she says. Persico was advised by her doctor not to return to work. Now, Persico’s final lesson is a [lawsuit](#) that she and her attorney hope leads to change. “I just felt like this was a case that cried out for awareness,” Quinn said.

“Number one, they get some training and understand what they did to me was wildly inappropriately,” says Persico. as8News reached out to Chesterfield for comment, but we were told Chesterfield Schools does not comment on pending litigation. [CLICK HERE](#) to view the entire federal lawsuit. You can hear more of our conversation with Persico in the ‘Web Extra’ below.



OPINION

EQUITY & DIVERSITY OPINION

I'm a Transgender Teacher. Here's Why I Came Out at My School

By Sam Long — March 28, 2019 ⌚ 5 min read



Sam Long

Sam Long (he/him) teaches biology at an urban high school in Denver. You can learn more about Sam's work at sam-long.weebly.com.

My first year teaching high school was in 2015, months after the Supreme Court ruled on *Obergefell v. Hodges*, which guaranteed same-sex couples the right to marry in the United States. Like many members of the LGBTQ community, I celebrated the landmark decision. But as a transgender man, I worried that not everyone at my school would be ready to embrace the “T”.

Schools are some of the most binary-gendered spaces in our society. Every adult uses the honorific “Mr.” or “Ms.” Dress codes and uniforms often differ for boys and girls. The building has a boys’ bathroom and a girls’ bathroom—single-stall, gender-neutral facilities are seldom an option.

A decade earlier, when I was attending high school and beginning my transition from female to male, these binaries were direct challenges for me. But when I began my career nearly four years ago as a binary, male-passing teacher, to talk about my trans identity was a choice. Could I work openly as a trans teacher? Or would I be better off not telling anybody?



Our training that summer had a strong focus on forging relationships among staff. We played team-building games and read teaching articles together, jigsaw-style. On a three-day retreat in the mountains, we shared our stories, hopes, and fears. We were given prompts like, “What is the hardest thing you’ve ever done in your life?” and “What is an experience you had as a student that informed your philosophy of education?”

For me, all the answers were tied to my trans identity. To omit this would be to omit the best and most valuable things about myself. And so I chose to stand up and share the story of my transition with my 50 new coworkers. First the room was silent apart from my trembling voice, then the air was filled with claps and snaps. My coworkers applauded my act of courage and authenticity. I slept soundly that night in my bunk with the other male staff.

By the time students had been in the building for a few weeks, I knew I wanted to tell them, too.

Supporting Transgender Staff

I told my principal, Dan, that I wanted to come out to the students at one of our all-school morning meetings. We sat down together to plan out what that would look like. I wanted to broadly message to students that identity can be tricky to figure out, and it can only be self-determined. Thinking of our queer, trans, and questioning students, as well as our students of color and multiracial students, I wanted to pass on a message of affirmation: Believe that people are who they say they are, and celebrate it. Our school emphasized civic engagement, so I planned to highlight my experience as a student petitioning my high school for a trans-inclusive bathroom policy.

Dan liked all of these messages, and he scheduled my coming out for a Monday morning in November. Recognizing the sensitive topic, he planned to send a letter home to parents, allowing them to opt their child out of attending the morning meeting. Before I could object, Dan spoke with an equity consultant who talked him out of it.

The consultant asked him to reflect, “What if it were a presentation about homosexuality or Black

history? Would you allow parents to opt out of that?” She suggested instead that Dan invite families and community members to this event, as a nod to the significance of my coming out.

When the day came, I stood in front of 500 students and I spoke my truth. I told the students that I was transgender, what it meant, and the challenges that I went through as a young person navigating school, work, family, and social life. As the carefully practiced story finally left my mouth, it entered 500 different minds, each to process it in a unique way. The students in the Gay-Straight Alliance club loved that this was happening, and in our after-school GSA meeting they gushed over its impact. I was stopped in the hall by a Harvard-bound senior that I did not teach, and she thanked me for sharing my story. An email landed in my inbox from a parent expressing gratitude for my decision to come out.

If any parents were upset, they didn’t contact me—they must have talked to Dan, who dealt with their concerns without my involvement. If anybody asked to switch out of my class, Dan didn’t allow it.

His support as a principal was a major factor in my decision to be out with the students. It is in the hands of school leaders to ensure that transgender staff are never made to feel like a burden for being themselves. School districts need precise guidelines on how to support transgender staff as they transition, come out, and continually navigate the workplace.

My Impact

Four years later, I have shared my story with every new class that I’ve taught, totaling about 1,000 students in Denver-area schools. For many, I am the first openly transgender person that they have known. The significance of this is clear to every single child—if I’m coming out to a class of 30, I will have no fewer than 30 pairs of eyes staring at me intently while I speak.

Students find my story fascinating and easier to relate to than they might have expected. Not everyone has felt gender dysphoria, but almost everyone can relate when I say that when I looked in the mirror, it didn’t match how I felt inside, or when I say that my parents didn’t see me for who I really was.

Students process my story by talking about it with their friends or with other adults in their lives. I’ve seldom been asked a question that was intentionally rude, but when I decline to share, for example, my birth name, students easily understand that it is no longer a part of my identity.

It can be challenging for students to process ideas about gender-diversity, and some students express their frustration outwardly. One boy, who had a history of anti-gay remarks, came around my classroom during lunch and peeled my school picture off of the door. He stuck my photograph onto the sign of the gender-neutral bathroom nearby. Another boy in my class decided to write my name, incorrectly, as “Mrs. Long” on the cover of his final exam. I have noticed that it tends to be adolescent boys, processing many messages about masculinity, who externalize more discomfort about my trans identity.

Queer, trans, and questioning students react profoundly to my story and ongoing presence. For some, the reaction is all internal, and they don’t say a word or ask any questions on the day I come out. Others smile and nod, approach me afterwards, and want a hug. Every day I go to work, I get to be living proof that trans people can be happy and successful—proof that didn’t exist when I was a student. The result is that closeted LGBTQ students begin to consider coming out. In every year that I’ve shared my story, it’s been followed by at least one student coming out to the school community.

In some cases, I get to advocate for LGBTQ students when they are struggling. It breaks my heart when I learn that LGBTQ students are being bullied, almost as if I feel obliged to be a human shield for them. But the reality is that transphobia will persist in schools until confronted by all staff and all role models. The trans teacher can’t do it alone.

Intersectionality: A Vital Tool in Advancing LGBTQ+ Rights

November 15, 2021 by Cloudburst 0 Comments



"All human beings should be treated with respect and dignity and should be able to live without fear no matter who they are or whom they love." —President Joe Biden

In the United States, the LGBTQ+ community and its allies celebrate Pride month in June and LGBTQ+ history month in October. Both months are a time to celebrate historic achievements of progress, to remember those who have been lost, and to remind us all that the struggle for basic rights for the LGBTQ+ community is far from over. In February 2021, President Biden released a [Memorandum](#) reaffirming the United States' commitment to protecting the human rights of lesbian, gay, bisexual, transgender, queer, and intersex persons around the world. As the end of the year approaches, Cloudburst would also like to reaffirm our commitment to embracing diversity, strengthening community and government capacity to address vulnerability, building resilience, and creating lasting impact when responding to development challenges. This goal requires a commitment to advancing LGBTQ+ rights in order to promote a more inclusive, equitable, and diverse society for all individuals.

Historically, LGBTQ+ communities have been at the forefront of advocating for meaningful social change. While great strides have been made globally, many LGBTQ+ people continue to face extreme levels of discrimination and violence simply based on their sexual orientation or gender identity.

The struggles of the LGBTQ+ community are often aggregated into a single group or focus, neglecting the complexity of actual lives lived and the diversity of LGBTQ+ communities across the globe. While some rights have been won for the community as a whole, such as marriage equality in 29 countries, several groups within the community continue to struggle against discrimination and marginalization. Basic human rights such as access to proper healthcare, education, employment, housing, and fair justice systems are not guaranteed for many communities, including LGBTQ+ persons of color, transgender persons, and older persons.

- Last year, 8% of transgender adults in the U.S. experienced homelessness (The Williams Institute, 2020).
- Among sexual minority adults, African American respondents had significantly higher rates (6%) of recent housing instability.
- Older LGBTQ couples, especially older lesbian couples, experience higher rates of poverty (9.1%) than older heterosexual couples (4.6%) ([Center for American Progress, 2009](#)).
- A recent study showed that 17.6% of LGBTQ people with disabilities and 12.5% of LGBTQ people of color need and receive public housing assistance, compared to 2.5% of non-LGBTQ people ([Center for American Progress, 2018](#)).
- LBT women are five times more likely than non-LBT women to experience violent victimization.
- LGBTQ youth are 120% more likely to experience homelessness. (*Missed opportunities: Youth homelessness in America. National estimates.* Chicago, IL: Chapin Hall at the University of Chicago).
- Despite having similar rates of mental health disparities, Black LGBTQ youth are significantly less likely to receive professional care. (The Trevor Project, 2020).

The struggle for LGBTQ+ people to live a dignified life is often exacerbated by multiple intersectional traits. The data above shows how some identities in the LGBTQ+ community might see better access to equality while others (especially transgender persons and LGBTQ+ persons of color, disabled persons, and older persons) face additional barriers or hardships that are erased by aggregating the community as a whole.

While there are some federal rights and protections for LGBTQ+ people, data also shows that even when legal equality is achieved, progress is often slow to reach the most vulnerable populations. Through the lens of housing in the U.S., one can examine how race, citizenship, ability, gender identity, and geography can intersect to impact the lived experience of LGBTQ+ people and their ability to fully benefit from legal protection.

For example:

- Only 21 states, including the District of Columbia, have housing nondiscrimination laws that cover sexual orientation and gender identity.
- LGBTQ+ older adults face discrimination in the sale and rental of housing as well as in mortgage lending, which adversely impacts access to housing.
- One study found that 48% of older same-sex couples applying for senior housing

were subjected to discrimination ([The Equal Rights Center, 2014](#)).

- Same-sex couples and transgender people experienced discrimination in rental housing searches, even in areas with antidiscrimination protections.
- According to representative data from 35 states, nearly half (49.8%) of LGBTQ+ adults own their homes, compared to 70.1% of non-LGBTQ+ adults (Conron, 2019).
- Among transgender people, rates of homeownership are even lower: an analysis of the first nationally representative sample of transgender adults found that only one fourth (25%) are homeowners (Meyer et al., 2019).
- Black, White, Asian, and other-race LGBTQ+ people have statistically significant higher poverty rates than their same-race cisgender straight counterparts. For example, 30.8% of Black LGBT people live in poverty, whereas 25.3% of Black cisgender straight people live in poverty (The Williams Institute).
- According to a National Transgender Discrimination report, “of those who have transitioned gender, only one-fifth (21%) have been able to update all of their IDs and records with their new gender” (The National Gay and Lesbian Task Force and the National Center for Transgender Equality, 2011).
- There are approximately 1 million LGBTQ+ immigrants in the U.S.—and 30% are undocumented ([lgbtmap.org](#)).

The few examples above illustrate how different social identities can create overlapping systems of privilege or oppression. The ways in which these identities interact in the real world can impact one’s access to legal protection, healthcare, homeless services, and basic social services and significantly impact one’s ability to achieve upward mobility. Using an intersectional and historical approach to understanding the diverse realities of LGBTQ+ people can help set a foundational framework for creating a more inclusive world where change is not reserved only for select groups of people.

The Washington Post
Democracy Dies in Darkness

A teacher fired years ago for being gay watches it all happen again

Perspective by Petula Dvorak

Columnist

April 21, 2022 at 6:32 p.m. EDT

The kids in Rockville, Md., liked their middle school's new science teacher.

"He acted like he was a kid once, too, you know?" one eighth-grader said. "Like, you know, he treated us like people — not, you know, just like little kids."

The students at Parkland Middle School told "60 Minutes" in a 1973 broadcast that they didn't know much about Joseph Acanfora until he was called to the principal's office in the middle of the day — after news surfaced of his involvement in a landmark civil rights case on gay rights.

"It was the last time I was in the classroom," said Acanfora, now 71 and living in California, where he has watched as a Republican-led backlash to making schools safer for LGBTQ youths has fomented outrage with the same harmful consequences he endured.

Teachers across America are being disciplined, fired and sued for being gay, talking about gay, saying "gay."

They're being targeted for online harassment by a vigilante mob of conservatives, their information fueled by toxic social media campaigns and laws like Florida's legislation restricting LGBTQ discussion that critics have dubbed the "don't say gay" bill.

They've twisted any conversation about sexual orientation or gender expression, mislabeling it as "grooming" — as though by acknowledging that Jaden has two dads, teachers are somehow preparing children to be the quivering victims of pedophiles or candidates for sex trafficking.

"It's totally strange. And sad," he said. "Sad that we're having this conversation 50 years later."

What we know now that wasn't widely recognized then is just how harmful this targeting is for LGBTQ youths. More than 40 percent of the LGBTQ kids surveyed by the Trevor Project said they've considered suicide in the past year.

But we do know that LGBTQ youths benefit from having mentors — like a teacher — who affirm them.

Acanfora made national headlines in 1972 when he was one of the students suing Penn State University for support of their gay and lesbian student group — Homophiles of Penn State, or HOPS. **Page 24**

When the lawsuit was made public, he was yanked out of his student-teaching assignment. He filed for a court injunction and got his position back.

But then the school held up his teaching certificate, even though he completed all the coursework and the student-teaching job with high marks.

Court records show six deans, including the dean of the college of education, Abram VanderMeer, conducted an explicit and bizarre interrogation.

VanderMeer asked: “What homosexual acts do you prefer to engage in or are you willing to engage in?”

Acanfora answered: “Which homosexual acts?”

VanderMeer said: “Yes, which acts of expression of love, as you put it, for male friends?”

Acanfora replied: “Well, there’s a certain tradition of respect for privacy in our country, and especially in an academic community, and I would think that I would ask you to withdraw that question with respect to that.”

VanderMeer refused: “I don’t withdraw the question, but you obviously don’t have to answer any questions you don’t want to answer.”

Meanwhile, a football coach named Jerry Sandusky was just two years into a career at that very school that ended by giving America a textbook example of what “grooming” looks like.

Acanfora was in his California kitchen waiting for the refrigerator repairman to come this week when we talked about the frightening backslide he’s seeing in our nation; to a time when he lost his job, his dream, everything he worked for because he refused to hide who he was. “It’s just another tactic today, as it was back then,” he said. “It’s an endless series of tactics to find power over the vulnerable.”

When Penn State dragged its feet on the teaching certificate, Acanfora appealed with the Pennsylvania education secretary and got the job in Montgomery County, which didn’t require certificates of their teachers.

A month into the job, he got a telegram from the secretary congratulating him — he got the certificate. And newspapers across the Eastern Seaboard covered the news.

That’s what got the attention of Montgomery County, and it’s what got him yanked from the classroom, into an office and away from students.

The administration kept him away from kids, even though there was never any evidence of anything inappropriate.

This is not too far from what we’re seeing today.

Culture warriors — from social media accounts like Libs of Tik Tok to legislation like the Florida bill — are getting teachers disciplined and even fired for speaking about the undeniable configuration, nature and geometry of human relationships.

I am so grateful that people like Acanfora fought for their right to teach. (He never made it back into a classroom, but he continued with behind-the-scenes activism when he moved to California and worked for the University of California at Berkeley.) Four of the most influential teachers in my sons’ lives are out. We know their husbands, wives and partners; we meet them at the picnics and fairs. And they immeasurably enrich our lives.

They're not grooming "for sex trafficking, of anything else," as Rick Stevens, a founder of the conservative educational advocacy group Florida Citizens Alliance and the pastor of Diplomat Wesleyan Church in Cape Coral, fears.

These weaponized attacks — like all culture war campaigns fueling the division that many Republican leaders claim they want to heal — aren't about what's best for kids, but what's at stake for adults.

Acanfora said his students — even kids in 1972 — didn't have any interest in his personal life.

"The biggest positive to come out of the whole experience for me? It was the support of my students," he said. "There they were, 12-, 13- and 14-year-olds who were speaking at the court hearing, taking petitions around to get me reinstated.

"It was an inspiration that young people who hadn't been fed hate had compassion," he said.

He believes youths will be the moral compass today, too, because they are organized and have experienced inclusion and equality.

"The younger generation, the gay generation that has been free, the ones who have been accepted by their friends and families, they've had a taste of freedom," he said. "And they won't go back."

The Washington Post
Democracy Dies in Darkness

Transgender teacher removed from classroom after some parents object to gender-neutral prefix ‘Mx.’

By [Lori Rozsa](#)

September 29, 2017 at 10:55 a.m. EDT

[About US](#) is a new initiative by The Washington Post to cover issues of identity in the United States. Look for the About US newsletter launching in the fall.

A Florida school district this week transferred a fifth-grade teacher from working with children into a classroom with adults after the educator requested to be addressed with gender-neutral pronouns.

The teacher’s preferences — using the prefix Mx. and the pronouns “they, them, their instead of he, his, she, hers” — had been met with support from some Canopy Oaks Elementary parents and complaints from others, including “a handful” who pulled their children from the classroom, according to a district spokesman. The Leon County school district said teacher Chloe Bressack’s transfer was a mutual decision.

“Given the complexity of this issue, we both agreed a different environment would be best for Teacher Bressack’s educational career and for the young students at Canopy Oaks,” superintendent Rocky Hanna said in a statement.

Bressack has declined interviews about the situation at the Tallahassee school, but while attending a protest in support of transgender rights in February, the teacher spoke out about the difficulties of being a transgender educator.

“I had people look me in the eye and tell me that I am selfish for being a teacher, selfish for putting myself in a position where I am around children and exposing them to the transgender lifestyle, whatever that is,” Bressack told [the Famuan](#), a student publication of Florida A&M University. “I will not be spending my entire life pretending to be someone that I am not.”

Gina Duncan, director of transgender equality for the LGBTQ advocacy organization Equality Florida, said most school issues involving transgender rights involve students, but faculty and staff have difficulties, as well.

“What’s interesting about this is that the pushback is usually based on someone changing their identity transforming from male to female, or female to male,” Duncan said. “But when you look at this situation, this person simply wants to be referred to in a certain way.”

Bressack was hired by Leon County Schools on Sept. 1. A week later, the teacher sent a letter home with students listing typical welcome letter information — experience, enthusiasm for the new year, favorite animal (giraffe), favorite candy (Sour Skittles).

The letter then included this paragraph:

“One thing you should know about me is that I use gender neutral terms,” Bressack wrote. “My prefix is Mx (pronounced Mix).”

Days later, a parent posted the letter on Facebook, and controversy erupted.

“I don’t think it’s up to teachers to make these decisions for kids. It’s not up to our teachers to teach these kinds of ideas (after all — a boy is a boy and a girl is a girl),” wrote Facebook poster Amanda Somerset, who said she knew Bressack and considered the educator to be “a great person.”

Bressack’s letter has garnered worldwide attention, including scorn from many right-wing groups. Some said they took issue with the grammatical use of the typically plural pronouns Bressack preferred. Others, including former Arkansas governor Mike Huckabee, insisted it’s wrong to deviate from binary gender designations in schools.

A transgender teacher in New York said teachers should be addressed in the manner they prefer. But the teacher, who spoke on the condition of anonymity because of difficulties she had after some parents learned she was transgender, said some schools hold transgender educators to different standards than others.

“Some teachers want to be called Mr., or Ms., or Mrs., or some teachers let students call them by their first name,” she said. “It’s the same as if a heterosexual teacher got married, and takes her husband’s name in the traditional style. If she asks her students to call her by her new name, nobody has a problem with that.”

With Bressack’s request, she said, the issue wasn’t about words.

“It’s about this teacher’s humanity, and accepting them for who they are,” she said. “Our preferences as trans people, that’s what they’re not accepting.”

In the welcome letter, Bressack, who taught math and science to approximately 110 elementary students, invited students and parents to talk to them or the administration if they had any questions.

“I know it takes some practice for it to feel natural, but in my experience students catch on pretty quickly,” Bressack wrote. “We’re not going for perfection, just making an effort!”

Chris Sands, secretary of the Tallahassee PFLAG group, which supports the LGBTQ community, said he understands why Bressack was moved if the issue was becoming a distraction to the school.

“It’s a tough line for the superintendent to walk,” Sands said. “We have an anti-discrimination policy in Leon County schools. It’s about the safety of the students.”

Sands said he believes the students didn’t have a problem adjusting to the gender-neutral pronouns Bressack requested.

“I think the reaction that’s happening is loud, vocal, irrational, and coming more from parents than students,” said Sands, who has children in Leon County’s elementary schools. “I think most kids accept it.”

Scenarios for Practice



From our Work—LGBTQIA+ Scenarios

For this activity, you are going to be asked to pick one of three scenarios. In order to be prepared for the scenarios, you should spend some time reading through the following supporting documents for what you selected.

Scenario 1 deals with a teacher who was disciplined after they presented 7th grade students' "About Me" projects around the room. One of the projects has LGBTQIA+ flags in it. The teacher was directed to remove only that project.

Scenario 2 involves a school board policy that directed teachers to shelter students in locker rooms based on gender, and the aftermath of keeping a non-binary student sitting on the gym bleachers during an active shooter drill.

Scenario 3 involves a teacher who is also a GSA club advisor that allowed a drag show to be performed during club time, after school, and the fallout once the community found out.

You will receive more specifics about each of the scenarios during class. For now, please review the information and begin brainstorming how you might support your member and local, should this happen in your own work.

Specific things to think about:

How would you handle this from a service model perspective?

How would you handle this from an organizing perspective?

What documents would you need to help your work?

How would you work with the press?

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Scenario 1

Discrimination

Scenario #1

You, the union staff, get a call from a building rep and a president.

A well-respected teacher and union member, Mrs. J, was given an unfair disciplinary write up.

This is the situation: A parent complained that a 7th grade girl's "about me" project showed 4 LGBTQ+ pride flags. The parent did not come speak to the teacher—she went straight to the school board. On the write up, the principal wrote that Mrs. J didn't show "good judgement" and "clear classroom expectations of appropriateness." In his disciplinary meeting with the member, the principal told Mrs. J that he's a conservative Christian, "we can't promote this here" and asked her if she would allow a Confederate flag or swastika on the wall of her classroom. He also announced that he needs to talk to the students about talking about their sexual orientation at school.

He directed her to turn in lesson plans weekly for his review. He ordered Mrs. J to take down ONLY the project with LGBTQ+ flags and leave every other student project up on the classroom walls. Mrs. J didn't want any student to feel targeted, so she took down every project. Mrs. J and her building rep both tried to talk to the principal and assistant superintendent about this unfair treatment of both students and staff. Neither administrator corrected the issue, and just keep telling Mrs. J that she needs to "understand that parents have opinions too."

The local president and building rep are horrified. There's a history of homophobia in the district, including several union members who fear retaliation from their supervisors. The local officers know their superintendent and school board members well. They believe that the district leadership will back the principal's actions. The president, building rep, and Mrs. J are game to try anything and believe that many of their colleagues would also be horrified. The local isn't familiar with grievances, and doesn't have a grievance chair.

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Scenario 2

Gendered Locker Rooms

Scenario 2:

You are the UniServ director for a rapidly changing county. The northern portion of the county is quickly becoming a bedroom community for Washington DC while the southern portion of the county is fighting hard to remain true to its rural southern roots. This has led to many clashes regarding local policy, both at the school board and board of supervisor level. Four years ago, you and your teachers sat through a series of increasingly contentious school board meetings regarding the bathroom policy for a young transgender girl in the fourth grade—the only openly transgender student in the county. During that spring, parents became increasingly hostile and threatening to the board, and indicated that they would personally go after the jobs of any employee who allowed this young girl to use the girl's bathroom. That summer, the school board passed a policy that required the student to use only single stall bathrooms and barred her from using both the boys' and girls' bathrooms or locker rooms.

One day in the first month of a new school year, you receive a call from a PE teacher at one of your schools. She tells you that earlier that week, the school held one of the state-required lockdown drills during a PE class where that girl, now a 14-year-old 8th grader, was a student. The 3 PE teachers quickly conferred after realizing that their lockdown procedures did not take this student into account. The lockdown procedures call for boys to shelter in place in the boys' locker room and girls to shelter in place in the girls' locker room. This student, however, uses the single stall accessible restroom in the gym when she needs to change or use the restroom during PE class. Without clear guidance—and with the wrath of the parents still echoing in their minds—the teachers had decided to have the one male PE teacher take the boys into the boys' locker room, while one female PE teacher took the rest of the girls into the girls' locker room and the second female PE teacher remained in the gym with the transgender student.

The PE teacher proceeds to tell you that the mother of the child runs a group called Equality Stafford and has posted on Facebook about the incident. That post has quickly gone viral and has already been shared a couple hundred times:

Equality Stafford Community,

This past week, an incident occurred during a middle school lock down drill in Stafford County. When the drill began, a particular class of children took shelter in the bathroom/locker room nearest them as they were in PE. One student was prevented from entering either the boys or girls locker room while the teachers discussed where she should go. The student was forced to watch the adults charged with her care, debate the safest place (for the other students) to have her shelter. During this debate, she was instructed to sit in the bleachers until the drill was complete, away from her peers and identified as different. After some additional debate, she was made to sit in the locker room hall way, by the door alone and away from her peers. This happened because the child, in addition to being a model student, also happens to be transgender.

Let me be clear. During an event that prepares children to survive an attack by actual assailants, she was treated as if she was so much of a danger to peers that she was left exposed and vulnerable. These events occur across our country right now but this one happened here.

We need you. We need all of you to come out on October 9th at 6:30 pm to the Stafford County School Board Meeting at 31 Stafford Avenue. We need you to come and lend your voice to the growing cry. This is unacceptable, this cannot happen to one more child. Not one more in this county. Not ever again.

Please bring yourselves, your friends, your colleagues and your voice to this school board meeting. We need you.

How do you support and educate other union members to understand the needs of transgender students and staff?

What might you advocate for in a new policy?

How do you use this issue as an organizing issue?

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Scenario 3

Drag Show Fallout

Scenario #3

A UniServ Director receives a call from her local president. One of his members has been put on leave because they allegedly hosted a drag show on campus. Pictures and videos from the show have been posted on social media, including by the teacher now on leave. In these posts, it is clear that at least one of the performers is wearing apparel that allows their buttocks to be fully visible. Additionally, the teacher reminded their students to bring small bills to tip the performers, if they wish, and posted the social media handles of the performers on their Schoology site.

After speaking with the member, the UniServ Director learns that the member, who is also the Gay-Straight Alliance Advisor, obtained permission from the HS administrator for the GSA to host the event which included a drag show component and an anti-bullying Q&A session. This is the third year that the show has been held, with both components. The five performers signed in at the office. The apparel of one of the dancers was more revealing than it had been in the past; however, it was visible to the office staff and principals upon check-in. The only significant difference between this show and the two prior are that the timing of the show was closer to dismissal; as such, the performers were seen by more parents and non-GSA students. The member also feels it is important to know that they are not paid for their advisory work and that the club always meets after hours.

A local government official picks up the story and runs it on his social media as “appalling” and “wildly inappropriate.” The District, large and suburban, becomes the target of anti-LGBTQ hate, from the community, parents, and even teachers.

For what issues presented can/should the union expect reasonable discipline for the teacher, if any?

What messaging should be used with the community?

How can this become an issue that unifies versus divides?

Model Policies for the Treatment of Transgender Students in Virginia's Public Schools



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Introduction

The **Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools** document was developed in response to House Bill 145 and Senate Bill 161, enacted by the 2020 Virginia General Assembly:

“1. That the Code of Virginia is amended by adding a section numbered [22.1-23.3](#) as follows § [22.1-23.3](#). Treatment of transgender students; policies.

A. The Department of Education shall develop and make available to each school board model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to:

1. Compliance with applicable nondiscrimination laws;
2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students;
3. Prevention of and response to bullying and harassment;
4. Maintenance of student records;
5. Identification of students;
6. Protection of student privacy and the confidentiality of sensitive information;
7. Enforcement of sex-based dress codes; and
8. Student participation in sex-specific school activities, events, and use of school facilities.

Activities and events do not include athletics:

B. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Virginia Department of Education (VDOE) pursuant to subsection A:

1. That the Virginia Department of Education shall develop and make available to each school board model policies pursuant to subsection A of § [22.1-23.3](#) of the *Code of Virginia*, as created by this act, no later than December 31, 2020.
2. That each school board shall adopt policies pursuant to subsection B of § [22.1-23.3](#) of the *Code of Virginia*, as created by this act, no later than the beginning of the 2021–2022 school year.”

In June 2020, an advisory committee was formed to review model policies, local policies throughout the nation, and resources pertaining to the treatment of transgender students in public schools. The committee included school-based personnel representing diverse Superintendent’s Regions and disciplines, representatives from state professional associations, parent representatives, student representatives, representatives from advocacy organizations, and specialists from the Virginia Department of Education (VDOE). The development of these model policies is a result of consultation and collaboration with multiple stakeholders throughout the Commonwealth with a variety of backgrounds and expertise.

Background

Terminology

Transgender and nonbinary students may use different terms to describe their lives and gender experiences. While terminology and language differ and evolve based on region, language, race or ethnicity, age, culture, and other factors, for purposes of discussion in this document, the following terms are used:

- **Cisgender:** An adjective describing a person whose gender identity corresponds with the gender society typically associates with the sex they were assigned at birth.
- **Gender:** A set of social, psychological, and emotional traits that classify an individual as typically masculine or feminine, although the social construct of gender may be more diverse across a continuum rather than as a binary system.
- **Gender-expansive/gender-diverse/gender-fluid/gender-nonbinary/agender/gender queer:** Terms that convey a wider, more inclusive range of gender identity and/or expression than typically associated with the social construct of a binary (two discrete and opposite categories of male and female) gender system.
- **Gender Expression:** The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.
- **Gender Identity:** A person's internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different from society's expectations with the sex they were assigned at birth.
- **Gender Nonconforming:** A person who does not conform to gender stereotypes. Their gender expression differs from society's expectations associated with the sex assigned at birth. Being gender nonconforming is distinct from being transgender, though some transgender people may consider themselves to be gender nonconforming.
- **Gender Transition:** The process of shifting toward living according to their gender identity, rather than the sex assigned at birth. Transitions can be at different levels, including social transition, such as new names, pronouns, appearance, and clothing. Some people may undergo medical transitions, such as hormone therapy or surgery.
- **LGBTQ+:** An acronym for "lesbian, gay, bisexual, transgender, queer/questioning, and others."
- **Nonbinary:** a term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct

identity. Other similar terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American Indian, Alaska Native, First Nation, or Indigenous communities).

- **Sex Assignment:** A label, generally “male” or “female,” that is typically assigned at birth on the basis of a cluster of physical and anatomical features. Intersex refers to someone whose combination of chromosomes, gonads, hormones, internal sex organs, and genitals differs from the two expected patterns of male or female.
- **Transgender:** A self-identifying term that describes a person whose gender identity is different from their sex assigned at birth. A **transgender girl** is a girl who was presumed to be male when she was born, and a **transgender boy** is a boy who was presumed to be female when he was born. Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary.

Related Laws

A brief summary of federal and state laws is included for informational purposes and to aid in the development of model policies for the treatment of transgender students. The summary provided in this section does not constitute legal interpretation nor advice. Given the changing legal landscape, including on-going litigation and different interpretations, school divisions should consult with their school board attorney.

First Amendment: The First Amendment protects freedom of speech and expression. Schools may not prevent students from expressing their identity.

Equal Protection Clause of the 14th Amendment: This clause guarantees every citizen equal protection under the law. It protects LGBTQ+ youth in schools from unfair or discriminatory school actions.

Title VII of the Civil Rights Act of 1964: The US Supreme Court ruled in June 2020 that this federal law includes protection based on sexual orientation and gender identity in its prohibition of employment discrimination.

Title IX of the Education Amendments of 1972: Title IX is a federal law that prohibits schools that receive federal financial assistance from limiting or denying a student’s participation in any school program on the basis of sex. This may be understood to prohibit discrimination, including sexual harassment, based on sex stereotypes, sexual orientation, and gender identity or transgender status.

Equal Access Act: This is a federal law that requires public secondary schools to provide equal access to extracurricular clubs. Schools must treat all clubs the same and use school resources in the same way, including for Gay-Straight Alliance or Gender-Sexuality Alliance (GSA) clubs.

Family Educational Rights and Privacy Act (FERPA): This is a federal law that protects the privacy of student educational records. It prohibits the improper disclosure of personally identifiable information from student records. Information relating to gender identity or sexual orientation may constitute personally identifiable information.

Health Insurance Portability and Accountability Act of 1996 (HIPAA): This is a federal law that mandates the privacy protections for individually identifiable health information. Demographic information such as gender may be considered protected health information under HIPAA.

Conversion Therapy Prohibited: § [54.1-2409.5](#). This Virginia state law prohibits licensed professionals from engaging in conversion therapy with youth under 18 years of age. Note that conversion therapy is opposed by most major professional organizations such as the American Psychiatric Association (APA, 2018), the American Counseling Association (ACA, n.d.), and the American Medical Association (AMA, 2019).

Virginia Values Act: This state law expands the *Virginia Human Rights Act* to prohibit discrimination in employment, housing, and public accommodations on the basis of sexual orientation and gender identity.

Virginia Anti-Bullying legislation: Virginia school boards are required to include bullying prevention as a part of character education (§ 22.1-208.01 of the *Code of Virginia*). In addition, school boards are expected to include bullying as a prohibited behavior in their student codes of conduct (§ 22.1-279.6.D of the *Code of Virginia*) and to implement policies and procedures to educate school board employees about bullying and the need to create a bully-free environment (§ 22.1-291.4 of the *Code of Virginia*). Finally, §§ 22.1-276.01 and 22.1-279.6 of the *Code of Virginia* requires including standards for reducing bias and harassment in the enforcement of any code of student conduct.

Virginia Identification Documents legislation: §§ 46.2-323, 46.2-341.12, 46.2-345, and 46.2-345.2 of the *Code of Virginia* require the Department of Motor Vehicles to offer any applicant the option to mark “male,” “female,” or “non-binary” when designating the applicant’s sex on an application for a driver’s license or special identification card. Additionally, §§ 32.1-261 and 32.1-269 of the *Code of Virginia* require the State Registrar to issue a new certificate of birth to show a change of sex upon request and, if a certified copy of a court order changing the person’s name is submitted, to include the person’s new name.

Guiding Principle to Support Transgender Students

The Virginia Department of Education continues to be committed to working with school divisions to ensure a positive, safe, and nurturing learning environment for all students. It is important that as education leaders we affirm our commitment to advancing equity in Virginia’s public schools. Efforts to advance equity priorities include developing a culturally competent workforce of educators, closing opportunity and achievement gaps among marginalized student groups, increasing access to high quality early learning opportunities, and maximizing the potential of every Virginia student. The key guiding principle of the model policies is that all children have a right to learn, free from discrimination and harassment.

For many people, their gender identity matches their sex assigned at birth. For others, their gender identity does not necessarily correspond to the sex assigned at birth, where the gender identity may be one in a range such as transgender, nonbinary, or gender-expansive. Gender identity is considered an innate characteristic that most children declare by age five to six (Lamb & Lerner, 2015). In 2020, the American Psychological Association (APA) and National

Association of School Psychologists (NASP) declared in a resolution that “all persons, including children and adolescents who are diverse in their sexuality and gender identities, expression, and/or presentation, have the inherent human right to equal opportunity and a physically and psychologically safe environment within all institutions.” The American Academy of Pediatrics (2018) also acknowledged that, “variations in gender identity and expression are normal aspects of human diversity.”

School divisions are encouraged to develop comprehensive policies, regulations, guidance and implementation plans to minimize social stigmatization for such students and maximize opportunities for social integration so that all students have an equal opportunity to attend school, be engaged, and achieve academic success. This process should be informed by the needs of students, and the strongest policies are developed when they include student participation. A recent study found that inclusive policies that focus on sexual orientation and gender identity were associated with more supportive school environments for LGBTQ+ youth and had a direct association with less truancy (Day, Ioverno, & Russell, 2019). While the terminology *transgender* is used throughout this document, it should be interpreted to include gender-expansive, nonbinary, and gender nonconforming individuals who do not identify on the cisgender binary.

To comply with HB 145 (2020) and SB 161 (2020), local school boards shall adopt policies consistent with model policies contained in this document no later than the 2021-2022 school year. They may adopt more comprehensive policies than these model policies relating to the treatment of transgender students. The goal is to develop policies that are informed by the law and ensure that all students, including transgender students, have safe, supportive, and inclusive school environments. Local school boards should consult with their school board attorney in the development of policies and regulations relating to the treatment of transgender students.

The purpose of this document is to present model policies for use during the local school board’s policy development process. Given the broad range of topics to be addressed by local school boards relating to the treatment of transgender students, it is likely that multiple policies will be needed in different categories rather than a single policy. Existing policies and regulations may also need to be expanded or clarified to be more gender-inclusive or to emphasize specific protections for transgender, nonbinary, and gender-expansive students. This document provides information, best practices, guidance, procedures, and standards for each topic, and model policies are highlighted and distinctive from the discussions. Local school boards may adopt example language in the model policies or use it as a guide to draft policies that meet the unique needs of their school division.

Bullying, Harassment, and Discrimination

Because of societal prejudice and lack of awareness or understanding, transgender students may experience rejection, criticism, or bullying, that affect their emotional health and academic achievement. A 2019 national survey by GLSEN found that 84 percent of transgender youth feel unsafe at school, and those who experience victimization have significantly lower GPAs, are more likely to miss school out of concern for their safety, and are less likely to plan on continuing their education (Kosciw, Clark, Truong, & Zongrone, 2020). Compared to their

cisgender and heterosexual peers, LGBTQ+ youth report much higher rates of depression, anxiety, alcohol and drug use, and lower self-esteem. LGBTQ+ youth of color may experience additional stress and adverse effects as a result of their intersecting identities, facing both bias against their gender identity or expression as well as racism. Research has shown that LGBTQ+ students experience higher levels of victimization because of their gender identity and/or gender expression and have more adverse outcomes compared to their cisgender and heterosexual peers (Human Rights Campaign Foundation, 2018):

- 73 percent of surveyed LGBTQ+ youth have experienced verbal threats because of their actual or perceived LGBTQ+ identity.
- 77 percent of surveyed LGBTQ+ youth report feeling depressed or down over the past week, and more than 70 percent report feelings of worthlessness and hopelessness in the past week.
- 95 percent of surveyed LGBTQ+ youth report trouble sleeping at night.

Furthermore, a recent study found that socially transitioned transgender children who are supported in their gender identity have no elevations in depression and only minimal elevations in anxiety relative to population averages (Olson, Durwood, DeMeules, & McLaughlin, 2016). According to the Office of Civil Rights (OCR), “in cases where a complaint alleges that a school’s action or policy excludes a person from participation in, denies a person the benefits of, or subjects a person to discrimination under an education program or activity, on the basis of sex, the *Bostock* opinion guides OCRs understanding that discrimination against a person based on their status as homosexual or transgender generally involves discrimination on the basis of their biological sex. “(OCR, 2020). For transgender students, acts of verbal harassment may include the intentional and persistent use of names and pronouns not consistent with their identity. Sex-based harassment may also include the disclosure of the student’s gender identity without their consent as this presents safety concerns for the student.

Each local school division should ensure its compliance with all state and federal laws regarding harassment, intimidation, or bullying. Schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving complaints consistent with *Model Policy to Address Bullying in Virginia’s Public Schools* (VDOE, 2013) and compliant with the *Code of Virginia* § 22.1-276.01, § 22.1-208.01, § 22.1-279.6.D, § 22.1-291.4.

The OCR indicated that discrimination against a person based on their status as transgender generally involves discrimination on the basis of their biological sex (OCR, 2020). Thus, schools have a responsibility to respond to discrimination on the basis of sex, including on the basis of the student’s nonconformance to stereotyped notions of gender. Additionally, President Biden issued an Executive Order that states “Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports...All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation” (Exec. Order No. 13988, 2021).

Schools should provide a safe educational environment for all students and treat all students with dignity and respect, regardless of a student’s sex, sexual orientation, gender identity/expression, or transgender status. Local school boards should expand their policies prohibiting discrimination, harassment, and bullying to emphasize that discrimination or harassment against a student, by either school staff or by other students, on the basis of their gender identity is

prohibited under federal and state laws. Nondiscrimination policy and related complaint procedures should be readily accessible to students and parents/guardians. While there are existing procedures for complaints related to discrimination, harassment, and bullying, school divisions may consider emphasizing steps that a student or parent may take for complaints specifically related to discrimination based on gender identity. For example, a division-level ombudsman or team may be established to hear concerns brought by students, families, and staff when their concerns are not resolved at the school level. This division-level ombudsman or team may also be available to provide consultations to school staff with questions regarding the implementation of the policies. To assist staff in understanding how to provide a safe educational environment for transgender students, refer to considerations for training under the Professional Development and Training section.

The [School Division] prohibits any and all discrimination, harassment, and bullying based on an individual's actual or perceived race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or any other characteristic protected by law.

Any incident or complaint of discrimination, harassment, or bullying shall be given prompt attention, including investigating the incident and taking appropriate corrective action, by the school administrator. Complaints alleging discrimination, harassment, or bullying based on a student's actual or perceived gender identity shall be handled in the same manner as other discrimination or harassment complaints. The [School Division's Designated Contact] shall be available to hear concerns from students and parents when complaints are not resolved at the school level.

Student Privacy/Confidentiality

Many transgender students undergo the process of gender transition to confirm and live as the gender consistent with their gender identity. School divisions are encouraged to communicate openly, albeit confidentially, with students and families regarding the student's gender identity to ensure that appropriate steps are taken to determine a student's needs and address any privacy concerns and associated risks to the student's well-being. Protecting transgender students' privacy is critical to ensuring that they are treated consistent with their gender identity and minimizing the risk of harm to the students.

Regarding student privacy within the school community, a student's gender identity may be public or private, and the degree to which others are aware of the student's gender identity will influence plans to support the student. Given the potential for discrimination, sharing this information could expose a student to harassment and abuse from peers or adults within the school community. School staff should discuss with the student about how they prefer information about their gender identity to be shared. Some students may wish the information to remain private while others may prefer that the gender identity is shared or even discussed in class. If the student is in a setting where they have been known by their assigned sex at birth, options for privacy may be limited. In some situations, the student's move to a new school setting (e.g., starting middle school, transferring to a different school) affords the opportunity to confirm their gender identity with more privacy. Regardless of the circumstances, the school should support the student's need for privacy and safety and not disclose a student's gender identity to other students or other parents. Additionally, school staff should treat a student's

gender identity as being particularly sensitive information that should not be shared even internally among school personnel except to those with a legitimate educational interest or need to know. When a student publicly shares their gender identity, schools should work proactively to set clear boundaries about being gender inclusive and respond to negative reactions from the school community should they arise. Refer to additional discussions in the Other Considerations section regarding the process for school personnel when a student or parent informs the school about the student's gender identity.

Regarding student privacy outside of the school community, a student's gender identity, legal name, or sex assigned at birth may be considered confidential medical information and protected Personally Identifiable Information (PII). Disclosure of that information may violate the school's obligations under the *Family Educational Rights and Privacy Act* (FERPA) and the *Health Insurance Portability and Accountability Act of 1996* (HIPAA). Although school divisions may disclose a student's name and gender as directory information, parents and eligible students have the right to refuse the designation of that information as directory information, pursuant to § [22.1-287.1](#) of the *Code of Virginia*. Absent an explicit legal obligation, permission, or authorization from the appropriate party, such information should not be shared with anyone, and the local policy should explicitly prevent such disclosures. In order to maintain confidentiality, school divisions may need to consider additional policies related to record keeping. Refer to additional discussions on the separation of confidential information under the Student Records section. Any unauthorized disclosure of protected student information should be addressed according to existing policies and regulations in accordance with FERPA and HIPAA.

Additionally, privacy and confidentiality are critical for transgender students who do not have supportive families. Disclosing a student's gender identity can pose imminent safety risks, such as losing family support or housing. According to a recent study, LGBT youth have a 120 percent increased risk of experiencing homelessness compared to youth who identified as heterosexual and cisgender (Morton, Dworsky, & Samuels, 2017). School divisions will need to consider the health and safety of the student in situations where students may not want their parents to know about their gender identity, and schools should address this on a case-by-case basis. If a student is not ready or able to safely share with their family about their gender identity, this should be respected. There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity, and school staff should work with students to help them share the information with their family when they are ready to do so. Refer to additional discussions regarding when parents are aware of but are not affirming of the student's gender identity in the next section.

All school personnel shall adhere to legal standards of confidentiality relating to information about a student's gender identity, legal name, or sex assigned at birth.

In addition to adhering to all legal standards of confidentiality, school personnel shall treat information relating to a student's gender identity as being particularly sensitive, shall not disclose it to other students and other parents, and shall only disclose to other school personnel with a legitimate educational interest.

Student Identification

For many transgender students, their daily emotional and psychosocial wellness are dependent on receiving support and recognition for their gender identity. A transgender student may adopt a name that is different from their legal name on their birth certificate and use pronouns reflective of their gender identity. Many transgender students will adopt the gender pronouns typically associated with their gender identity. For example, most transgender girls will use she/her/hers pronouns, while most transgender boys will use he/him/his pronouns. There may be a less common pattern of pronoun usage among nonbinary students. Nonbinary students, as well as transgender students, may use gendered pronouns like she/her/hers or he/him/his, use gender-neutral pronouns such as they/them/their or ze/hir/hirs, use multiple sets of pronouns interchangeably, or use their name in place of any pronoun. School divisions should accept a student's assertion of their gender identity without requiring any particular substantiating evidence, including diagnosis, treatment, or legal documents. A student is considered transgender if, at school, the student consistently asserts a gender identity different from the sex assigned at birth. This should involve more than a casual declaration of gender identity, but it does not necessarily require any substantiating evidence nor any required minimum duration of expressed gender identity. Establishing gender identity can present differently from student to student, including, but not limited to: uniform assertion of such an identity, indication that the identity is sincerely held as part of the student's core identity, or that the student is not asserting such an identity for an improper purpose. Schools should work with a student to address any concern that an asserted gender identity may be for an improper purpose, such as permitting the student to respond with information that supports the request to be treated consistent with their gender identity.

When a student asserts that they have a name and/or pronoun affirming their gender identity, school staff should abide by the student's wishes as to how to address the student. All school employees shall treat all students with respect and dignity. In accepting employment with a school district, a school staff member agrees to abide by and uphold their school board's policies and procedures, as well as federal and state laws. A school administrator may need to direct school staff to abide by the wishes of a student on their name and pronoun. A school employee's intentional and persistent refusal to respect a student's name and pronoun is considered discriminatory. Schools also should be prepared for genuinely innocent confusion or uncertainty that may come up from school staff and students. Existing school board policies, including anti-discrimination, harassment, and bullying policies, may need to be adjusted or clarified relating to processes that address when a school staff member fails to comply with the student's request or an administrator's directive to use the name and pronoun consistent with their gender identity.

Schools shall allow students to use a name and gender pronouns that reflect their gender identity without any substantiating evidence. School staff shall, at the request of a student or parent, when using a name or pronoun to address the student, use the name and pronoun that correspond to their gender identity.

In the situation when parents or guardians of a minor student (under 18 years of age) do not agree with the student's request to adopt a new name and pronouns, school divisions will need to determine whether to respect the student's request, abide by the parent's wishes to continue using the student's legal name and sex assigned at birth, or develop an alternative that respects both the student and the parents. This process will require consideration of short-term solutions to address the student's emotional needs to be affirmed at school as well as the long-term goal of

assisting the family in developing solutions in their child's best interest. For example, a plan may include addressing the student at school with their name and pronoun consistent with their gender identity while using the legal name and pronoun associated with the sex assigned at birth when communicating with parents or guardians. Research has shown that transgender youth with supportive families experience a 52 percent decrease in recent suicidal thoughts and 46 percent decrease in suicide attempts (Ryan, Russell, Huebner, Diaz, & Sanchez, 2010) and that "chosen name used in more contexts was associated with lower depression, suicidal ideation, and suicidal behavior" (Russell, Pollitt, Li, & Grossman, 2018). Thus, school staff should be prepared to support the safety and welfare of transgender students when their families are not affirming. School staff should provide information and referral to resources to support the student in coping with the lack of support at home, provide information and resources to families about transgender issues, seek opportunities to foster a better relationship between the student and their family, and provide close follow-ups with the family and student. Refer to Appendix A for resources to support families of transgender students. To comply with [§ 63.2-1509](#) of the *Code of Virginia*, whenever school personnel suspects or becomes aware that a student is being abused, neglected, or at risk of abuse or neglect (as defined by § 63.2-100 of the *Code of Virginia*) by their parent due to their transgender identity, they must report those concerns to Child Protective Services immediately. Before making a decision on policies relating to situations when parents or guardians are not accepting of the student's gender identity, school divisions should consult their school board attorney.

School Records

Schools' student information systems typically use the student's legal name and sex assigned at birth as reflected on their birth certificate, required at the time of school registration ([§ 22.1-3.1](#) of the *Code of Virginia*), and some documents attached to student records may require the use of the legal name and sex assigned at birth. Information in the student information systems is then used for a variety of documents and processes such as a unique student identification number needed for proper student accounting (i.e., for purposes of funding and accountability indicators), communication with parents, class rosters, attendance records, student identification cards, library cards, standardized tests, year books, and school photos. Not all transgender students update legal documents to align with their new name and gender, but they may wish to use the name and gender consistent with their gender identity in their school documents and processes. Record keeping that does not include the legal name and sex assigned at birth as well as the name and gender consistent with the gender identity may pose risks of inadvertently disclosing the student's gender identity as well as cause potential emotional trauma for a transgender student.

School divisions should develop solutions to support a transgender student's wishes for privacy. For example, schools could consider maintaining the student's legal name and sex assigned at birth as sensitive information in their student information system that requires additional privilege to access. The student information system can then separately include the name and gender consistent with the gender identity as additional information that is used to the greatest extent possible to populate school-related documents and are available to other users. The protection of the student's legal name and gender as sensitive information would prevent a student's gender identity from being disclosed, such as by a substitute teacher. In situations

where school divisions are required to use or to report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing or student data reporting to the VDOE, school staff should adopt practices to avoid the inadvertent disclosure of such information. Additionally, schools should eliminate gender markers from their forms, documents, and records when feasible. While the topic of transgender students usually focuses on transgender males or transgender females, there are students who identify as nonbinary or gender-expansive. Since the concept of gender is increasingly being viewed as a gender spectrum, it may be beneficial to remove gender from forms and documents or provide a broader, more inclusive range of options. For purposes of data collection, the VDOE has expanded gender choices to include nonbinary as a third option if the student or parent wishes to use this option.

When a student or parent requests to change the student's name or gender on school records, the extent to which records are modified will depend on the type of record and the substantiation of the change. Local school boards may need to revise or clarify current policies relating to the process to change any element of a student's record, including the appeals process for decisions made regarding a change to the student's record.

School divisions will also need to consider policies relating to records for former students. When a student transitions after they are no longer enrolled in the school division, they may request amendments to school records reflecting a new name and gender that are different from those during their attendance. Former students may want to ensure that information on their records such as transcripts and standardized test scores are consistent with information they are submitting such as those on college or job applications. School divisions could consider respecting a former student's request to amend records retroactively and may consider processing those requests in the same way other student record amendment requests are processed. If a former student obtains a court order changing their name or amend other legal documents such as their birth certificate, state-or federal-issued identifications, or passports, school divisions, when requested, should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender. Before making a decision on policies relating to changes to school records, transcripts, and diplomas, school divisions should consult their school board attorney.

[School Division] is required to maintain a record that includes a student's legal name and sex assigned at birth and may be required to use or report the legal name and sex assigned at birth in some situations. In situations where school staff is required to use or to report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing, school staff and administrators should adopt practices to avoid the inadvertent disclosure of such information.

Upon the request of a student or parent, schools shall use the name and gender consistent with the student's gender identity on other school records or documents.

Schools shall change a student's name and gender designation upon verification or submission of a legal document such as a birth certificate, state- or federal-issued identifications, passport, or court order. Records of former students may also be re-issued with the submission of legal documents substantiating the amended name and gender.

Dress Code

Local school board policies regarding dress code should serve to support equitable educational access for all students. The goal of dress or grooming codes should be to ensure the health and safety of students and not contribute to a hostile or intimidating atmosphere for any student. Dress codes, including hairstyles, should encompass broad guidelines that are not gender-specific and free of gender stereotypes. For example, gender-inclusive language such as “clothing must be worn in a way such that genitals, buttocks, and nipples are covered with opaque material” should be used rather than prohibiting certain types of clothing typically associated with one gender (e.g., “a mini skirt” or “camisole”). Transgender students have the right to dress in a manner consistent with their gender identity or gender expression, and any student has the right to expression free from gender expectations, as long as the student's attire complies with the school's dress code. Dress codes should be written, enforced, and applied consistently and equally to all students regardless of gender. In addition, [§ 22.1-279.6](#) of the *Code of Virginia* permits any school board to include in its code of student conduct a dress or grooming code. For school divisions who do include dress and grooming standards for students, the amendment explicitly states that any dress or grooming code shall “maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender;...not have a disparate impact on students of a particular gender.”

School divisions should further examine and eliminate provisions for gender-specific attire relating to school activities and events such as physical education uniforms, school ceremony attires, gender-specific graduation gowns, band uniforms, or orchestra uniforms when these provisions are not necessary for educational purposes. For example, schools may require formal attire for all students at a choral concert but should not specify that girls must wear dresses and boys must wear ties.

Dress and grooming codes shall be written relating to the attire or articles of attire without limits on gender expectations. Students have a right to dress in a manner consistent with their gender identity or gender expression. Schools shall administer and enforce dress and grooming codes consistently across the student body, regardless of actual or perceived gender identity or gender expression.

Requirements for attire for school-related programs, activities, and events shall be gender-neutral.

Access to Activities and Facilities

Student Participation in School Activities and Events

In general, school divisions should make efforts to eliminate gender-based practices to the extent possible. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, regardless of their gender identity or gender expression. Examples of practices that may be based on gender include grouping students for class activities, gender-based homecoming or prom courts, limitations on who can attend as “couples” at school dances, and gender-based events such as father-daughter dances. School divisions should review any gender-based policies, rules, and practices to determine whether they serve a legitimate educational goal or otherwise non-discriminatory purpose. School activities and practices should be gender-neutral and avoid dividing students by gender in the absence of an educational purpose. Any single-gender activity or program should not be premised on generalizations or stereotypes about the different talents, capacities, or preferences of any gender. For example, the composition of choruses should be gender-inclusive and based only on vocal range or quality requirements.

Whenever schools provide gender-specific activities such as physical education classes, students should be allowed to participate in a manner consistent with their gender identity. Students have the right to equitable access to programs, activities, and events that include but are not limited to acknowledgements, dances, assemblies, after-school programs, extracurricular activities, intramurals, non-competitive sports leagues, and field trips. For overnight field trips, the school should not force the student into single-occupancy accommodations that are not required for other students; however, such alternative accommodations should be made available to any student requesting them. It is important that school divisions adopt policies and procedures that are focused on the safety of all students and seek to address privacy interests in situations involving individuals undressing or showering. School divisions should ensure that all students who participate in extracurricular activities that involve overnight trips are aware of the school’s policies and options available to them in advance.

HB 145 and SB 161 exclude athletics for purposes of developing local school board policies. School divisions should follow rules and policies for interscholastic athletic participation as outlined by those athletic organizations. The Virginia High School League (VHSL) has provided policies regarding the participation in gender-specific sports team by transgender students (VHSL, 2020).

Schools shall eliminate the practice of segregating students by gender to the extent possible.

For any school program, event, or activity, including extra-curricular activities that are segregated by gender, [School Division] shall allow students to participate in a manner consistent with their gender identity.

Athletic participation regulated by the Virginia High School League (VHSL) or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, shall be in compliance with policies and rules outlined by those organizations.

Access to Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities that are sanitary, safe, and adequate, so that they can comfortably and fully engage in their school programs and activities. Schools frequently maintain separate restrooms, locker rooms or other facilities for males and females. Students should be allowed to use the facility that corresponds to their gender identity. While some transgender students will want that access, others may want alternatives that afford more privacy. Taking into account existing school facilities, administrators should take steps to designate gender-inclusive or single-user restrooms commensurate with the size of the school. When schools have available gender-inclusive or single-user restrooms or private changing areas, these restrooms or areas should be accessible to all students without special codes or keys. This would allow for any students seeking privacy to access single-user restrooms and private changing areas voluntarily. For locker room facilities without private changing areas, school divisions should make reasonable accommodations for requests for increased privacy. At the request of any student, schools should offer alternative arrangements such as a separate changing schedule, use of a nearby private area, access to a staff member's office, not requiring students to dress in uniform for physical education, or offering alternatives to in-person physical education. Any accommodations offered should be non-stigmatizing and minimize lost instructional time. Also, note that any information related to accommodations should be handled in such a way as to protect the student's privacy relating to their gender identity.

It can be emotionally harmful for a transgender student to be questioned regarding the use of restrooms and facilities. School staff should not confront students about their gender identity upon entry into the restroom. Furthermore, as school divisions plan for new school facilities or renovations, they should consider generally accommodating students who want more privacy such as designing additional single-user or gender-inclusive restrooms or changing areas. Additionally, § 22.1-6.1 of the *Code of Virginia* requires each school board to make menstrual supplies available at all times and at no cost to students in accessible locations in each elementary school and in the bathrooms of each middle and high school. Accordingly, these supplies should be made available in all bathrooms to be gender-inclusive.

Access to facilities such as restrooms and locker rooms that correspond to a student's gender identity shall be available to all students.

Upon request, single-user or gender-inclusive facilities or other reasonable alternatives shall be made available to any student who seeks privacy. Any options offered shall be non-stigmatizing and minimize lost instructional time.

Professional Development and Training

In order to promote a positive school climate where all students feel safe and supported, school divisions should incorporate regular education about transgender students into staff professional development and training. Periodic professional development should be provided to school mental health professionals (SMHPs), such as school-based counselors, psychologists, and social workers. SMHPs play a critical role in addressing the mental well-being of students that may have an impact on their academic performance. Thus, they are key personnel in addressing challenges that transgender students may face in their schools. Yet, in a recent national survey (GLSEN, 2019), 80 percent of SMHPs received little to no competency training in their graduate programs related to working with transgender populations, and 37 percent had not received any formal education or training on LGBTQ+-specific student issues during their professional careers. When they receive competency training and continuing education and training activities related to LGBTQ+ students, SMHPs feel more confident and engage in more efforts to support LGBTQ+ students directly and to address overall school climate. In addition to SMHPs, school divisions should provide training to all school staff, including but not limited to custodial staff, administrative support staff, substitute teachers, school nurses, and bus drivers. Any staff with opportunities to interact with students should have some familiarity with how to support LGBTQ+ students and would benefit from training that fosters a safe and supportive school climate.

The goal of professional development for all staff is to ensure that they understand the rights of all students to a safe learning environment and the local school board's expectations regarding the treatment of transgender students. Additionally, professional development should include culturally affirming, accessible LGBTQ+ competency training. It is recommended that training provided to school staff cover the following components:

- Key LGBTQ+ terminology and the use of unbiased language to promote equality and justice for LGBTQ+ students.
- Challenges and barriers frequently faced by LGBTQ+ students. This should heighten awareness of the implicit bias and discrimination that transgender students may encounter and identify the need for a gender-inclusive school.
- Federal and state laws and local school board policies and regulations relating to the rights of all students to a safe learning environment. This should include expectations relating to preventing, identifying, and responding to bullying and harassment of transgender students. Another area to address is the student's rights to privacy and how unauthorized disclosures to peers, parents, school staff, and other third parties may negatively impact the student's safety and well-being.

- Practices to create a safe, inclusive environment for all students. This should include strategies to promote understanding and foster positive relationships between LGBTQ+ students and their peers and the school community and steps to affirm LGBTQ+ students.
- Knowledge of LGBTQ+ affirming resources for students and families.
- Strategies to engage parents and other stakeholders regarding an inclusive school community that affirms LGBTQ+ students.

These components may overlap with or intersect other professional development topics such as bullying prevention, mental health awareness and suicide prevention, equity, positive school climate, or trauma-sensitive practices. Local school divisions should coordinate the various professional development activities for consistency. Topics relating to LGBTQ+ students, including safety and support for LGBTQ+ students, can be interwoven with other topics or as a distinct topic in training opportunities. Additionally, to ensure effective training, school divisions should use evidence-based curricula or consult with experts for the development and delivery of LGBTQ+ cultural competency training. The inclusion of content experts, including those with lived experiences, in the training may be vital in developing allies for LGBTQ+ students. Refer to Appendix A for resources related to professional development and training.

All school mental health professionals shall be trained annually on topics relating to LGBTQ+ students, including safety and support for LGBTQ+ students.

Other Considerations

Students and staff each have their own unique religious and personal experiences, views, and opinions. Local school boards have an opportunity to lead discussions on issues of gender identity. It will be important to engage communities regarding policies, regulations, and procedures to ensure equal access to education. Involving appropriate community members should help to reconcile sometimes deeply conflicting community views. For example, engaging students and parents will be critical in developing policies and procedures relating to student privacy and addressing situations where parents are not affirming their child's gender identity. Additionally, local school boards may need to review agreements and processes with community partners for any activities taking place on school grounds to ensure consistency in practices. For example, local school boards may consider the applicability of policies relating to dress code and access to activities and events for programs such as Junior Reserve Officers Training Corps (JROTC) or community youth athletic leagues who use school facilities. While the conversation is not easy, local school boards and school staff will need to provide clear guidance on the implementation of these policies and reduce their exposure to legal liability.

In order for the policies to be effective, local school boards should consider developing detailed guidelines and processes for the implementation of these policies. For example, to ensure consistency across the division, guidelines for the implementation of policies should include processes to update student classroom records and other school records with the student's name and, if necessary, appropriate gender marker that are consistent with their gender identity. Such a process will require clear procedures and coordination across the school division by all personnel with responsibilities related to student information and records, including but not limited to registrars, technology support personnel managing student information systems, administrative support personnel, and test administrators. Additionally, processes, including forms or templates,

should be developed to support students or parents requesting a name and gender change and requesting an action plan to support the student's transition. School divisions are recommended to establish and designate a point-of-contact or team of knowledgeable and affirming staff members to support transgender students. When a student informs the school about their transition or requests a change to their name and gender, it is recommended that a point-of-contact, or a multi-disciplinary school team if needed, meet with the student (and parents/guardians if the parents/guardians are affirming of the student's gender identity) to develop a plan to accommodate the student's needs and requests. A template may be helpful to develop a plan that includes areas to be addressed such as names and pronouns, privacy concerns, communication plans, student information and records, access to facilities and activities, and other considerations.

In addition to policies that address the areas discussed above, local school boards should consider developing additional policies, regulations, or guidelines that foster an inclusive school climate. For example, school divisions may consider ensuring LGBTQ+-inclusive curricula. According to GLSEN, schools with LGBTQ+-inclusive and affirming curricula have students who have less-hostile school experiences, increased feelings of connectedness to the school community, better academic and mental health outcomes, and are less likely to miss school (GLSEN, 2019). School divisions may take an inclusive approach by incorporating educational content that is transgender affirming into the general education curriculum, such as history, literature, and science. For example, material may feature or include transgender people or highlight the contributions of LGBTQ+ people in state and US history curricula. School divisions should also initiate efforts to curate an inclusive library collection. As with many curricular choices, school divisions should involve key stakeholders in making those decisions. School divisions will need to consider additional actions if they wish to include material related to gender identities in Family Life Education (FLE). Per the *Code of Virginia* § 22.1-207.2, parents and guardians have the right to review the Family Life Education (FLE) curriculum. Additionally, in the *Code of Virginia* § 22.1-207.1, parents and legal guardians have the right to excuse their child from all or part of FLE instruction.

To further foster positive, inclusive school climates, school divisions should promote activities and LGBTQ+-affirming resources for students and families. For example, schools should support the formation of student clubs or programs regarding issues related to LGBTQ+ youth such as Gay-Straight Alliances or Gender & Sexuality Alliances (GSAs), ensuring that these are equally easy to establish in relation to other student clubs or programs. Besides professional development for school staff, students may also benefit from training on an inclusive school environment. This may be in the form of peer-led education groups, educational material on student rights and training on self-advocacy skills, learning assemblies, or training of student leaders. Other affirming activities include the promotion of visible supports for LGBTQ+ youth such as the use of flags and stickers and the sharing of affirming community resources. Examples of resources for students are provided in Appendix A.

Appendix A: Resources

Resources for School Divisions

American Psychological Association (APA) [LGBT Youth Resources](#)

APA [Promoting Resiliency for Gender Students Diverse and Sexual Minority in Schools](#)

APA [Supporting Transgender and Gender Diverse Students in Schools: Key Recommendations for School Administrators](#)

Gender Spectrum [Gender Inclusive Schools Toolkit](#)

GLSEN [Safe Space Kit](#)

Gender Spectrum [Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools](#)

Midwest Symposium for Leadership in Behavior Disorders [LGBTQ 101](#)

National School Board Association [Transgender Students in Schools: Frequently Asked Questions and Answers for Public School Boards and Staff](#)

National Black Justice Coalition [Words Matter Gender Justice Toolkit](#)

SAMHSA [A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children](#)

Teaching Tolerance [Classroom Resources](#)

US Department of HHS and National Center on Parent, Family and Community Engagement [Healthy Gender Development and Young Children: A Guide for Early Childhood Programs and Professionals](#)

Virginia School Boards Association (VSBA) [Council of School Attorneys \(COSA\) Welcoming Schools](#)

Model and Existing Policies and Guidelines

Arlington Public Schools [APS School Board Policy Information: Transgender & Gender Non-Conforming Students, Policy Implementation Procedures: Transgender Students in Schools, Transgender Students in Schools - Guidelines and Implementation Plan](#)

Boulder Valley School District [Guidelines Regarding the Support of Students and Staff Who Are Transgender and/or Gender Nonconforming](#)

California Safe Schools Coalition [Model School District Policy Regarding Transgender and Gender Nonconforming Students](#)

Connecticut State Department of Education [Guidance on Civil Rights Protections and Supports for Transgender Students Frequently Asked Questions](#)

GLSEN [Model Local Education Agency Policy on Transgender and Nonbinary Students](#)

Madison Metropolitan School District [Guidance & Policies to Support Transgender, Non-Binary, and Gender-Expansive Students](#)

Massachusetts Department of Elementary and Secondary Education [Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity](#)

Montgomery County Public Schools [Guidelines for Students: Gender Identity](#)

Oregon NOW [Model Student Dress Code](#)

State of New Jersey Department of Education [Transgender Guidance for School Districts](#)

US Department of Education [Examples of Policies and Emerging Practices for Supporting Transgender Students](#)

Virginia High School League (VHSL) [Virginia High School League Handbook and Policy Manual 2020-2021](#)

Professional Development Resources

[American Counseling Association LGBTQ-Affirmative Counseling Competencies](#) (in partnership with Human Rights Campaign)

[Garden State Equality Professional Development Workshops](#)

[GLSEN Professional Development](#)

[Rainstorms to Rainbows](#) (LGBTQ+ Consulting and Counseling)

[Side-by-Side Trainings](#)

[Teaching Tolerance](#) (Gender & Sexual Identity Webinars)

[The Safe Zone Project](#) (Awareness and Ally Training Workshops)

[Welcoming Schools Professional Development](#)

Resources for Students

[Campus Pride](#)

Centers for Disease Control and Prevention [LGBTQ Youth Resources](#)

Human Rights Campaign [Transgender Resources](#)

[It Gets Better Project](#)

Harvard Law School LGBTQ+ Advocacy Clinic and NCLR [Trans Youth Handbook: Helping You Learn About Your Legal Rights in Different Areas of Your Life](#)

[Transgender Assistance Program of Virginia](#)

[The Trevor Project](#)

UVA [Teen & Young Adult Transgender Clinic](#)

Virginia Department of Health (VDH) [Virginia Transgender Resource and Referral List](#)

VDH [Resources for LGBTQ Youth](#)

Resources for Parents

Child Welfare Information Gateway [Resources for Families of LGBTQ Youth](#)

[Helping Families Support Their LGBT Children](#)

Movement Advancement Project [Family Support: Resources for Families of Transgender & Gender Diverse Children](#)

[PFLAG](#)

San Francisco State University [The Family Acceptance Project](#)

San Francisco State University [Supportive Families, Healthy Children: Helping Families with LGBT Children](#)

[Trans Youth Family Allies Resources for Parents](#)

Welcoming Schools [Transgender and Non-Binary Children: Books to Help Adults Understand](#)

Advocacy Organizations

[Equality Virginia](#)

[Gender Spectrum](#)

GLSEN [Richmond Chapter](#)

GLSEN [Northern Virginia Chapter](#)

[He She Ze and We](#)

[National Black Justice Coalition](#)

National Center for Transgender Equality [Youth & Student Issues](#)
[Shenandoah LGBTQ Center](#)

[Side by Side](#)

[Trans-Latinx DMV](#)

References

- American Academy of Pediatrics (AAP). (2018, October). [Policy Statement: Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents](#). *Pediatrics* 142(4).
- [American Counseling Association](#) (ACA). (n.d.). *Conversion Therapy Bans*.
- American Medical Association (AMA). (2019). *Issue Brief: [LGBTQ change efforts](#) (so-called “conversion therapy”)*.
- American Psychiatric Association (APA). (2018, November 15). [APA Reiterates Strong Opposition to Conversion Therapy](#).
- American Psychological Association & National Association of School Psychologists. (2020). [Resolution on Supporting Sexual/Gender Diverse Children and Adolescents in Schools](#).
- Day, J. K., Ioverno, S., & Russell, S. T. (2019, June). Safe and supportive schools for LGTBQ youth: Addressing educational inequities through inclusive policies and practices. *Journal of School Psychology*, 74, 29-43. <https://doi.org/10.1016/j.jsp.2019.05.007>
- Exec. Order No. 13988, 86 Fed. Reg. 7023 (January 20, 2021).
- Lamb, M. E. & Lerner, R. M. (Eds.). (2015). *Handbook of Child Psychology and Developmental Science, Volume 3, Socioemotional Processes, 7th Edition*. John Wiley & Sons, Inc.
- Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools*. New York: GLSEN.
- GLSEN. (2019). [Developing LGBTQ-Inclusive Classroom Resources](#).
- GLSEN. (2019). [Supporting Safe and Healthy Schools for Lesbian, Gay, Bisexual, Transgender, and Queer Students: A National Survey of School Counselors, Social Workers, and Psychologists](#).
- Human Rights Campaign Foundation. (2018). [2018 LGBTQ Youth Report](#).
- Morton, M. H., Dworsky, A., & Samuels, G. M. (2017). *Missed Opportunities: Youth Homelessness in America. National Estimates*. Chicago, IL: Chapin Hall at the University of Chicago.
- National Center for Transgender Equality. (n.d.). [Issues: Youth & Student](#). Retrieved on July 16, 2020.
- Office for Civil Rights. (2020, September 24). [Resources for LGBTQ Students](#).

Olson, K. R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2016). [Mental health of transgender children who are supported in their identities](#) . *Pediatrics* 137(3), 2015-3223.

Russell, S. T., Pollitt, A. M., Li, G., & Grossman, A. H. (2018). [Chosen name use is linked to reduced depressive symptoms, suicidal ideation, and suicidal behavior among transgender youth](#). *Journal of Adolescent Health* 63(4), 503-505.

Side by Side. (2020, June 25). *Transgender Student Policy Recommendations for Virginia's K-12 Schools*.

Virginia Department of Education. (2013). [Model Policy to Address Bullying in Virginia's Public Schools](#).

Virginia High School League (VHSL). (2020, July). [Virginia High School League Handbook and Policy Manual 2020-2021](#).

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RESPONDING TO EVERYDAY BIGOTRY

SPEAK UP!

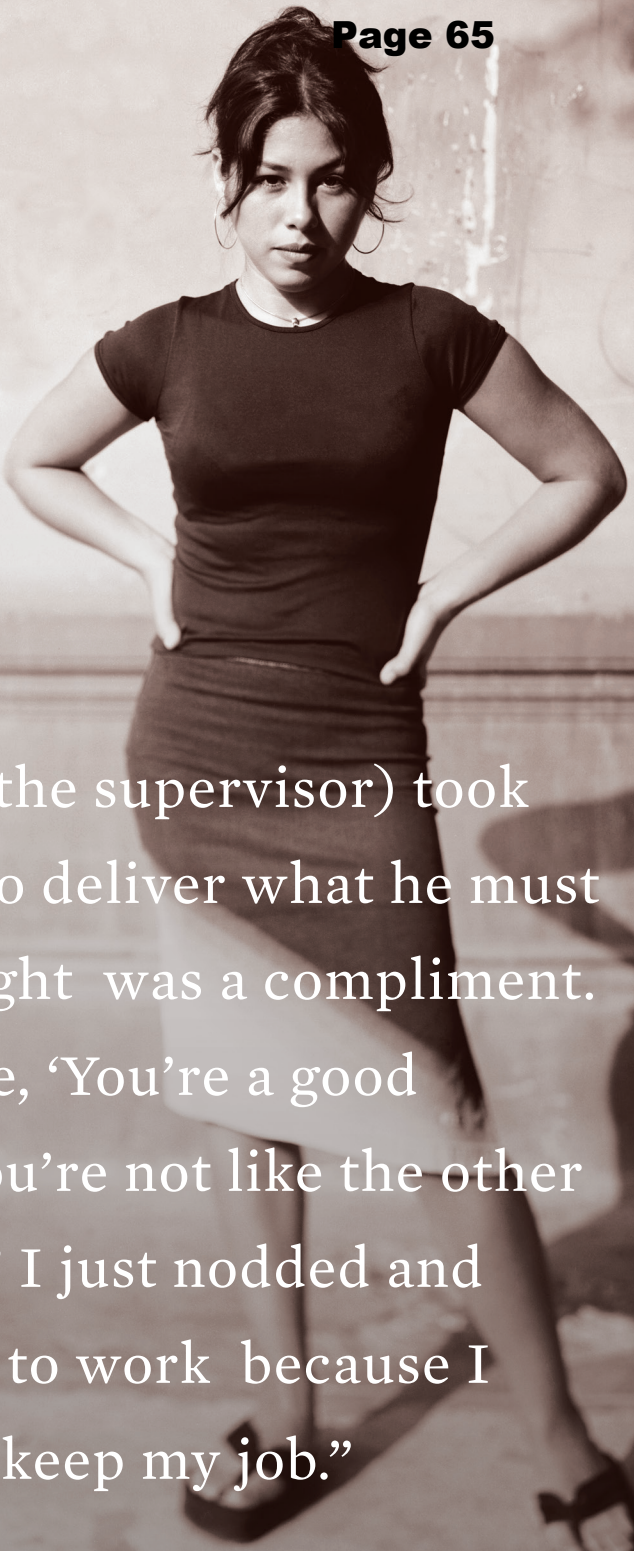
WHAT CAN I DO AT WORK?



the workplace is, for some, the only place they experience diversity. For those who live in segregated neighborhoods, attend segregated houses of worship or take part in segregated hobbies or activities, work becomes the only place they interact with people of varied and diverse backgrounds. It often is, for these people, a testing ground.

The workplace often offers built-in grievance procedures, tied to policies or laws, which can be used to respond to some forms of everyday bigotry. You need not file a lawsuit to have such a policy be effective; many roundtable participants spoke of invoking such policies when speaking up, saying the mere mention carries weight.

Power, too, comes into play at the workplace. The dynamic of an employee speaking to a supervisor is very different than a supervisor speaking to an employee. Likewise, an executive's tacit acceptance of bigoted remarks can create an atmosphere where bias thrives — just as one powerfully placed comment from that executive can curb everyday bigotry in significant ways. Who sets the tone at your office? And what leverage do you have with that person? If you lack leverage, who has it? And might that person be an ally?

A woman with dark hair, wearing a black short-sleeved dress and black sandals, stands with her hands on her hips. She is looking directly at the camera. The background is a light-colored wall with some shadows.

“One day (the supervisor) took me aside to deliver what he must have thought was a compliment. He told me, ‘You’re a good worker. You’re not like the other Mexicans.’ I just nodded and went back to work because I wanted to keep my job.”



WHAT CAN I DO ABOUT CASUAL COMMENTS?

‘HAVE YOU HAD DICTION LESSONS’

- × An African American businesswoman in the South writes: “I was speaking with a white co-worker when, midway through the conversation, she smiled and said, ‘You speak so clearly. Have you had diction lessons?’ — like for an African American to speak clearly, we’d have to have diction lessons.”
- × A manager writes: “One of my employees constantly makes ‘jokes’ about people being ‘bipolar’ or ‘going postal’ or being ‘off their meds.’ I happen to know that one of our other employees — within earshot of these comments — is on medication for depression. How can I stop the bad behavior without revealing proprietary information?”
- × One co-worker asks another if she wants to go out for lunch. “We’re going to get Ping-Pong chicken,” she says, faking a vaguely Asian accent.

× An Italian American woman’s co-worker makes daily comments about her heritage. “Are you in the mafia?” “Are you related to the Godfather?” There are only six colleagues in the office, and the Italian American woman doesn’t know how — or if — to respond.

SPEAKING UP

Core-value statements and other policies sitting on dusty shelves don’t establish an office’s culture; casual interactions do. Whether you’re a staffer, a manager or an executive, there’s a role for you to play in setting a respectful and unbiased tone in the office. Consider these actions:

Interrupt early. Workplace culture largely is determined by what is or isn’t allowed to occur. If people are lax in responding to bigotry, then bigotry prevails. Speak up early and often in order to build a more inclusive environment.

Use — or establish — policies. Call upon existing — too often forgotten or ignored — policies to address bigoted language or behavior. Work with your personnel director or human resources department to create new policies and procedures, as needed. Also ask your company to provide anti-bias training.

Go up the ladder. If behavior persists, take your complaints up the management ladder. Find allies in upper management, and call on them to help create and maintain an office environment free of bias and bigotry.

Band together. Like-minded colleagues also may form an alliance and then ask the colleague or supervisor to change his or her tone or behavior.

WHAT CAN I DO ABOUT WORKPLACE HUMOR?

‘PLEASE DON’T TELL IT’

A man mentions to a colleague that he is originally from West Virginia. The colleague laughs and says she knows some “jokes” about people from West Virginia.

She begins to tell one, and it’s clear that the “joke” will have an offensive punch line.

The man holds up his hand and says, “Don’t tell it. Please don’t tell it.”

She laughs, perhaps thinking he’s joking himself, and tells not one but three “jokes,” each with an increasingly bigoted punch line.

The man, at a loss for words, simply sits down when she is done.

SPEAKING UP

Humor can enliven the workplace, provide relief from routine tasks and help foster team spirit. When humor goes sour, however, the work culture suffers, and collegiality can be harmed or damaged. When faced with bigoted “jokes” in the office, try this:

Don’t laugh. Meet a bigoted “joke” with silence, and maybe a raised eyebrow. Use body language to communicate your distaste for bigoted “humor.”

Interrupt the laughter. “Why does everyone think that’s funny?” Tell your co-workers why the “joke” offends you, that it feels demeaning and prejudicial. And don’t hesitate to interrupt a “joke” with as many additional “no” messages as needed.

Set a “not in my workspace” rule. Prohibit bigotry in your cubicle, your office or whatever other boundaries define your workspace. Be firm, and get others to join in. Allies can be invaluable in helping to curb bigoted remarks and behavior at the workplace.

Provide alternate humor. Learn and share jokes that don’t rely on bias, bigotry or stereotypes as the root of their humor.

WHAT CAN I DO ABOUT SEXIST REMARKS?

‘BUSINESS AS USUAL’

- ✕ A female manager routinely is referred to as the “office mom.” No male manager is ever referred to as the office “dad,” and male managers expect the female manager to handle office birthdays and other non-job-related tasks. “That kind of sexism happens all the time,” she says.
- ✕ A female employee reports, “One of my male coworkers always comments on the physical appearance of our female colleagues. ‘She’s such a pretty girl,’ or ‘She’s a lovely woman.’ I find these comments inappropriate and have commented to him about them, but his behavior doesn’t change.”
- ✕ A male employee bakes cookies and brings them to the office. A female employee, arriving later, asks who brought them. She thanks the man, then asks, “Did your wife bake them?” Another man wrote of a co-worker telling him his knowledge of gardening makes him seem “like a woman.”



SPEAKING UP

In our professional lives, we hope to be judged and perceived based on the quality of our contributions. Sometimes, however, traditional gender roles distort the ways in which colleagues perceive us. When faced with sexist assumptions or comments, consider the following approaches:

Be direct. Respond to the speaker in a way that makes sexist assumptions clear. “I’m not the office mom; I’m the office manager.” Or, “No, I’m the baker in our household, not my wife.”

Identify the pattern. Tell your supervisor, “In our weekly manager meetings, I’ve noticed that people expect me to take notes. I’m wondering if we could rotate that responsibility, so it’s evenly distributed between male and female managers.”

Start a brown-bag discussion group. If sexism is a persistent problem in your workplace, start an informal dialogue group to discuss the issue during your lunch breaks. Provide support for one another, and create an action plan.

Use incidents to teach tolerance. Advocate for staff training about sexism in the office; provide trainers with real-life examples from your office.

WHAT CAN I DO ABOUT MEETING MISSTEPS?

‘STEREOTYPING IS STEREOTYPING’

- × Two co-workers, one of whom is deaf, are asked to meet with an executive from another firm. They go to the other man’s office, and a sign-language interpreter accompanies them. The executive chooses to face the interpreter, speaking to him, not looking at or acknowledging the employee who is deaf.
- × An African American woman, in a staff meeting about budget issues, hears a white co-worker suggest cost-cutting measures for landscaping: “Why don’t we just get the Mexicans to do it?”
- × A woman writes, “A good-hearted liberal co-worker makes comments at staff meetings like, ‘All Republicans are stupid,’ or, ‘All Republicans are this,’ or ‘All Republicans are that.’ I’m a Democrat who agrees with her politics, but I think those comments are as offensive as someone saying ‘All immigrants are lazy’ or ‘All Irish people are drunks.’ Stereotyping is stereotyping. Short of saying, ‘Some of my best friends are Republicans,’ what can I do?”

SPEAKING UP

Meetings often involve people from different parts of a company or with different roles within a company. When those differences dissolve into bigoted exchanges, both the work and workplace relations suffer. Try these responses:

Seize the moment. With the interpreter, the colleague said, “I hate to interrupt, but just as a matter of practice, you should look at the person you’re talking to, not the interpreter.” In the meeting, an observer might say, “What do you mean by that? What are you saying about Mexicans?”

Address the issue privately. Take the coworker aside and gently explain what you find offensive: “You know, you’re giving Democrats a bad name when you make sweeping generalizations about Republicans.”

Check in with the meeting leader. If you are uncomfortable dealing with the speaker directly, consider speaking with the person who called the meeting. Set expectations or ground rules prior to the next meeting.





WHAT CAN I DO ABOUT **THE BOSS BIAS?**

‘YOU’RE NOT LIKE THE OTHER MEXICANS’

✕ From an Arizona man: “I’m a Mexican American, and I worked for a time, a long time ago, in construction. One day (the supervisor) took me aside to deliver what he must have thought was a compliment. He told me, ‘You’re a good worker. You’re not like the other Mexicans.’ I just nodded and went back to work because I wanted to keep my job. But I wish I would have said something to him, set him straight that stuff like that isn’t a compliment.”

✕ A woman works at a company where a male co-worker comes in one day with a newly pierced ear. Their manager sees the earring and laughingly calls him a “faggot.”

SPEAKING UP

When bias comes from the boss, it’s easy to assume nothing can be done. The boss has all the power, right? Regardless of a company’s size, nothing gets done without the workers; your power rests in this simple fact. Try these response techniques:

Focus on the company’s people. “A lot of different kinds of people work for you, and for this company. We come to work every day and give you our best. What you just said, does it really honor me and the other people here?”

Tie tolerance to the bottom line. Remind your supervisor that when people feel valued and respected, a healthy and productive work environment emerges. “Is ‘faggot’ really a word we should be throwing around? We don’t know who’s gay and who’s straight, who has gay relatives and who doesn’t. I think that comment could really upset some people — and distract them from their work.”

Go up the ladder. Consider your options, based on your supervisor’s temperament and the office environment. If you’re uncomfortable confronting the boss directly, consult your company’s human resources department to find out what harassment policies are in place and whether they apply.

WHAT CAN I DO ABOUT **MY OWN BIAS?**

‘I SAID NOTHING’

A Southern white woman is an event coordinator working with an African American minister. They end up talking about a mutual acquaintance who is known to be persistent and driven.

“Without thinking,” the woman writes, “I uttered a phrase I grew up hearing — ‘Yeah, he’s a real slave driver.’ As soon as it was out of my mouth, I realized for the first time the source and meaning of the word. I was ashamed and bewildered and wanted to apologize.”

But before she can say anything, the minister, looking her in the eye, quickly replies, “Yes, he’s a real taskmaster.”

She agrees and later thanks him for “his kindness and subtle but important education.”

The result: “I haven’t used the term ‘slave driver’ since.”

SPEAKING UP

When a colleague tells you that you've said or done something that offends or hurts them, try not to be defensive, even if the statement's impact was unintentional. Consider these approaches:

Be open to feedback. Ask clarifying questions, if need be. "Please help me understand. How have I offended you?" Be gracious, and consider the moment a learning opportunity. Thank the person for pointing it out, and ask for continued feedback.

Focus on the work relationship. Strive to reconnect and ensure that the moment doesn't sidetrack your ongoing ability to work together. "I know this has been awkward for both of us. Is there anything I should do, or that we should do, as a next step? I really want us to keep working well together."

Change your behavior. Don't wait for someone to be offended by what you say. Listen closely to the phrases and terms you use; are some of them "acceptable" only because the targeted group is not present? Bigotry is bigotry no matter who hears it; strive to model respect and tolerance wherever you are.

