

# Moving West Lafayette Forward: Why Inclusion and Opportunity are Essential to our Future

(8/31/10 revision)

Incorporating Gender Identity and Gender Expression protection in a Resolution to West Lafayette's Human Relations Commission policy will help ensure that West Lafayette transgender citizens have equal opportunity for employment, public accommodations, housing and education. Critical to this is the ability to work in an environment where people are judged by their job performance, not their gender identity and expression. We are all guaranteed many rights, including freedom of speech and religion under our Constitution. None of us, however, have the right to prevent others from life, liberty and the pursuit of happiness.

## Understanding Gender Identity:

- **Gender Identity** is an individual's internal sense of being male, female, or something else. Since gender identity is internal, one's gender identity is not necessarily visible to others. *(Note: Sexual orientation and gender identity and expression are not the same thing. Sexual orientation refers to whether a person is gay, straight, or bisexual.)*
- **Gender expression** is how a person represents or expresses one's gender identity to others, often through behavior, clothing, hairstyles, and voice or body characteristics.
- **Transgender** is an umbrella term for people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth, including, but not limited to transsexuals who desire surgery, those who have no desire to have surgery, androgynous people, gender-benders and gender non-conforming people.
- **Transsexualism** is a term for people whose gender identity is different from their assigned sex at birth. Often transsexual people alter or wish to alter their bodies through hormones or surgery in order to make it match their gender identity.
- **Medical Research** supports that gender identity may reside in certain structures in the brain which develop based on instructions from certain genes during embryonic development, therefore, individuals can be born with, as opposed to choosing or learning. Also, intersexed individuals (formerly referred to as "hermaphrodites") are born with both ovarian and testicular tissue (either fully or partially developed). Some also have some obvious physical abnormality or ambiguity at the time of birth. Parents and physicians are often placed in the difficult position of having to make an arbitrary decision as to the sex of the infant. Sometimes parents elect to have the ambiguity corrected by genital surgery. In cases where either the 'assigned' sex or the surgically corrected genitalia do not match the child's gender identity, the individual will likely be gender dysphoric and, like transsexuals, will often seek gender reassignment surgery.

## The specifics of this resolution:

- will add gender identity and gender expression to West Lafayette's Human Relations Commission policy
- will provide equal opportunity for employment, public accommodations, housing and education based on gender identity and gender expression
- will empower the West Lafayette Human Relations Commission to educate and promote understanding of gender identity and gender expression; and to investigate and conciliate complaints of discrimination based on gender identity and gender expression.

## Why we need to do this:

- West Lafayette is an inclusive community committed to fostering a community that recognizes the worth of every person, promotes tolerance and understanding, and respects the right of each individual to be free from discrimination. The resolution will affirm this.
- Privacy is both a right and a matter of survival for transgender people. Disclosure of transgender status can result in disrespect, discrimination and even violence. Transgender youth are extremely susceptible to dropping out of school, becoming homeless and attempting/or committing suicide.\* Reasons for this are increased occurrence of bullying, abandonment by families and job discrimination.
- Transgender people are often discriminated against in employment, education, public accommodations and housing. Being placed in a vulnerable financial and social position, transgendered people are more likely to be forced to resort to unsafe means of support, homelessness and become victims of hate crimes. The stigma associated with being transgender requires transgender people to maintain constant vigilance against sudden brutal violence. For the past fifteen years, transgender people have been murdered on an average of 1.91 deaths per month; many more have been assaulted, both reported and unreported.\*
- The resolution also protects individuals who may have different gender expressions. For example; a woman who has masculine features or dresses like a tomboy or a man who has feminine features or dresses in feminine clothes.

\*Information as reported by the National Center for Transgender Equality, Lisa Mottet, Esp., IU Center for Survey Research, GLSEN Report on Harsh Realities, Transgender Civil Rights Project Director and the Movement Advancement Project: 2009 Snapshot Advancing Transgender Equality

### What this amendment won't do:

- **Force religious institutions and private organizations like the Boy Scouts and Girl Scouts to hire transgender persons** – These institutions and organizations are already exempt and passage of this resolution does not change that.
- **Lead to an onslaught of frivolous lawsuits** – No facts bear this out in other jurisdictions. This proposed resolution provides the West Lafayette Human Relations Commission the power to investigate and conciliate complaints of discrimination based on gender identity and gender expression. The proposed resolution simply won't and can't lead to an onslaught of litigation: frivolous or credible.
- **Allow men to use the restroom with women and girls, putting women and girls at risk for sexual assault:** Men interested in committing sexual assault have been known to go into women's rooms to commit assault, and notably, these men *do not dress as women* when they do this. *This legislation is not going to protect a predator of any kind. Transgender-inclusive non-discrimination laws have existed for many years and now cover nearly 40% of the U.S. population. \* These laws have existed in some jurisdictions for as long as thirty years. In all this time, predicted problems related to bathrooms have not materialized.*
- **Prevent businesses from enforcing a written dress policy** – Nothing in this resolution would prevent an employer from enforcing a written dress policy. It simply means that employees may dress in the type of professional clothing that is both consistent with an employer's dress code and which conforms to their gender identity.
- **Increase cross-dressing in the workplace** – There has not been an increase in cross-dressing in the workplaces in jurisdictions that have adopted similar anti-discrimination provisions. Like non-transgendered people, transgendered people simply want to go to work in clothing that is not at odds with their gender identity. Transgender individuals live consistently with their gender identity in all aspects of life. In fact, the World Professional Association for Transgender Health, Inc. (WPATH) Standards of Care and Ethical Guidelines are extensive for gender transitions (individuals wishing to surgically change genders) and require that transgender people live for a period of time as a member of the new gender before they are eligible for reassignment surgery.
- **Create special rights and condone someone living differently from their birth gender** – This resolution is not about asking anyone to "approve" or "condone" expressing one's gender in a manner other than one's birth gender. Rather, it is only about outlawing discrimination against transgender persons as they currently experience in housing, employment and public accommodations, and understanding that people must be given the equal opportunity to feed themselves and take care of their families.

### Other jurisdictions and reports:\*

- In 2001, Governor O'Bannon signed a policy prohibiting discrimination on the basis of sexual orientation in the state's workforce, covering almost 35,000 employees. In 2004, Governor Kernan signed a policy prohibiting discrimination on the basis of gender identity and sexual orientation in the state's workforce. In 2005, Governor Daniels extended the policy signed by Governor Kernan, prohibiting discrimination on the basis of sexual orientation and gender identity and expression. The cities of Indianapolis and Bloomington include sexual orientation and gender identity and expression in their human rights ordinance.
- In November of 2008, an Indiana Poll was done by the IU Center for Survey Research. Overall – 79.9% of Hoosiers felt that Transgender Hoosiers should have the same civil-rights protections as all other Hoosiers.
- Out of the Fortune 500 companies, 175 already include gender identity and expression in their nondiscrimination policies.
- Nearly 40% of the jurisdictions which includes state laws (13 and D.C) in the United States have explicitly transgender-inclusive nondiscrimination laws. The scope of these laws have legislative language that makes clear that transgender people are covered in the anti-discrimination law of the state, county or city.
- The Transgender Civil Rights Project reported in the year 2002, the total number of people living in a jurisdiction with a transgender-inclusive anti-discrimination law in the U.S. was 36.8 million people, 13% of the U.S. population. As of July 2008, the number of people increased to 109 million, or 39% of the U.S. population.

*\*Information as reported by the National Center for Transgender Equality, Lisa Mottet, Esp., IU Center for Survey Research, GLSEN Report on Harsh Realities, Transgender Civil Rights Project Director and the Movement Advancement Project: 2009 Snapshot Advancing Transgender Equality*