Equality Ohio advocates and educates to achieve fair treatment and equal opportunity for all Ohioans regardless of their sexual orientation or gender identity or expression.
Laying the baseline of understanding
GUIDING PRINCIPLE #1

Variations in sexual orientation, gender identity and gender expression (SOGIE) are part of the normal spectrum of human diversity.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #2

The increased risks faced by LGBTQ+ and gender nonconforming youth and adults—particularly those of color—are not inherent to their identities, but stem from the stresses of prejudice, discrimination, rejection, and mistreatment.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #3

Like all children, LGBTQ+ and gender nonconforming children thrive and succeed when their families, schools and communities support and nurture their evolving identities.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #4

Efforts to change a person’s sexual orientation or gender identity are ineffective, unnecessary and harmful.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #5

LGBTQ+ and gender nonconforming people are not a homogenous population, but embody multiple identities that confer unique and intersecting stressors and strengths.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #6

Regardless of personal beliefs, employees and contractors of public systems of care are legally and ethically required to treat LGBTQ+ and gender nonconforming people equitably and respectfully.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #7

Treating people as whole people will improve the relationship that you have and the services you provide.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #8

Asking questions about their multiple identities such as SOGIE and race/ethnicity will help you understand and treat people as whole people.

www.cerespolicyresearch.com
GUIDING PRINCIPLE #9

Permitting people to decide when and to whom to disclose their SOGIE protects their safety and promotes their healthy development.

www.cerespolicyresearch.com
First . . .
QUIZ QUESTION 1

Everyone has a sexual orientation.

a) True
b) False
a) True. Everyone has a sexual orientation.
Everyone has a gender identity.

a) True
b) False
a) True. Everyone has a gender identity.
Children begin to become aware of their gender identity at around what age?

a) 2–4 years  
b) 5–7 years  
c) 8–10 years
a) 2–4 years

QUIZ QUESTION 4

Children begin to become aware of their sexual orientation at around what age?

a) 8 years
b) 10 years
c) 12 years
b) 10 years

Caitlin Ryan, et al., 2010. Family Acceptance in Adolescence and the Health of LGBT Young Adults
Approximately ___ of homeless youth are LGBT.

a) 10%
b) 20%
c) 40%
c) Approximately 40% of homeless youth are LGBT.

Laura Durso & Gary Gates, 2012. Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth who are Homeless or At Risk of Becoming Homeless
Title II and VII
The Equal Protection Clause

Title II prohibits public accommodation discrimination based on race, color, religion, and national origin.

Title VII prohibits employment discrimination based on race, color, religion, sex and national origin.

The Equal Protection Clause of the 14th Amendment prohibits states from denying any person within its jurisdiction the equal protection of the law. In other words, the laws of a state must treat an individual in the same manner as other people in similar conditions and circumstances.
Nondiscrimination Laws

1 of 29 states without statewide LGBTQ+-inclusive nondiscrimination protections
Act local.
26 localities have LGBTQ-inclusive discrimination laws thanks to the work of local activists.

Akron
Athens
Beachwood
Bexley
Bowling Green
Cincinnati
Cleveland
Cleveland Heights
Columbus
Coshocton
Cuyahoga County
Dayton
East Cleveland
Kent
Lakewood
Medina
Newark
Olmsted Falls
Oxford
Sandusky
Shaker Heights
South Euclid
Toledo
Yellow Springs
Youngstown

THE PLAIN DEALER
Sep 28, 2018
Cuyahoga County Council passes anti-discrimination protections for LGBTQ community

Cuyahoga County Council on Tuesday passed legislation that protects the LGBTQ community from discrimination and creates a commission with the power to level fines if it finds discrimination did occur.

PRIZM
May 28, 2018
Warthington passes a nondiscrimination ordinance in a process marked by unity and support

Equality recently took a huge step forward right here in the center of Ohio as Worthington became the 24th locality in the state to pass comprehensive nondiscrimination protections that are inclusive of the LGBTQ+ community.

*“Our mission has always been to make Worthington a welcoming community,” says Joel Mane, the chairman of the Worthington Community Relations Commission (CRC) that spearheaded the legislation.*

www.equalityohio.org/city-map
Non-Discrimination Law for Public Accommodations

- Columbus prohibits **discrimination** or different treatment based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

- It is unlawful for a public accommodation, located in Columbus, to do any of the following:
  - Deny to any person except for reasons applicable alike to all persons regardless of race, sex, sexual orientation, gender identity or expression, color, religion, national origin, ancestry, age, disability, familial status or military status the full enjoyment of the accommodations, advantages, facilities, or privileges thereof. *(CCO 2331.04)*
An Examination of HUD Policies in Homeless Shelters
An Overview of Policies in Homeless Shelters

• Roughly **43%** of clients served by drop-in homeless centers identify as LGBTQ, and about **40%** of homeless youth served by agencies identify at LGBTQ.*

• “**Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs**” – final rule implemented by HUD in 2016. Facilities receiving funding must grant equal access to facilities and services regardless of gender identity. **

• In 2017, HUD removed various Equal Access guidelines and training materials from its website.

*National Coalition for the Homeless: nationalhomeless.org/issues/lgbt

**hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/#program-guidance-and-equal-access-rule
It is PROHIBITED for a homeless facility to deny service to, segregate, or isolate LGBTQ individuals based solely on their identity.

However, there are still problems -

- 55% of transgender people who stayed in homeless shelters claim they were harassed by staff*

- Nearly 44% of LGBTQ victims of domestic partner violence are turned away from domestic violence shelters, and many HUD-funded shelters are unequipped to deal with domestic violence cases**

Violations can be reported by:

Contacting HUD’s Office of Fair Housing and Equal Opportunity (800) 669-9777 OR filing a complaint through their website AND Contacting your local HUD office for assistance

*Human Rights Campaign
** National Coalition of Anti-Violence Programs
Non-Discrimination Policies
Why Nondiscrimination?:

● What are non-discrimination policies and rules?
  ○ Non-discrimination regulations prohibit discrimination based on gender identity and sexual orientation, along with race, religion, etc.

● Why are they important?
  ○ Outline the procedures for determining gender identity at intake
  ○ Policy and rules make the shelter’s expectations clear
  ○ Shelter policies and rules give clients rights and protections inside your establishment
  ○ Your staff and operations are guided by policies and rules
  ○ They ensure equal treatment for all people
Navigating Nondiscrimination Policies:

- **Discuss**: Let ALL clients know at intake that you have non-discrimination policies

- **Accessibility**: Post non-discrimination policies publicly, in clear language.
  - Non-discrimination policies also apply to employees and volunteers

- **Enforce**: Validate complaints of discrimination and immediately investigate; enforce consequences for those who are found to be discriminatory
  - Have a procedure in place for handling conflicts

- **Referrals**: Consider non-discrimination policies when referring individuals to housing, counseling, and employment opportunities
Existing Affirming Policies:

- **Bullying**: Residential facilities must prohibit bullying based on sexual orientation or gender identity

- **Personal Care**: Residential facilities must account for gender identity in providing clothing, toiletry items, and personal care and hygiene

(Ohio Admin. Code 5101:2-9-19(C)-(E); Ohio Admin. Code 5101:2-9-19(B))
Additional Affirming Policies Needed:

- **Caseworkers’ Responsibilities:**
  - evaluate every client’s overall safety as it relates to their sexual orientation, gender identity and gender expression (SOGIE) in terms of placement, emotional, and physical wellbeing at intervals
  - not disclose a client’s SOGIE to other individuals or agencies without the client’s permission
  - connect clients, including youth and families with local LGBTQ+ affirming resources if desired
  - when requested by youth or caregiver, meet with school officials to discuss steps the school needs to take to ensure safety for an LGBTQ+ youth at school
Additional Affirming Policies Needed:

- LGBTQ Affirming Services
  - The organization will ensure that LGBTQ+-affirming training is included as part of competency training and testing for all new staff as well as mandated for all caseworkers and their supervisors
  - Local departments shall have a familiarity with community resources and services available for LGBTQ+ clients in their respective jurisdictions
  - One or more staff members who are knowledgeable about issues relevant to LGBTQ+ youth and families will be available to staff
  - Staff shall identify affirming resources and referrals, including those for physical and mental health, and legal services for LGBTQ+ clients and make them available as needed. Transgender and gender non-conforming clients have the right to transition related health care
Additional Affirming Policies Needed:

- LGBTQ+ Affirming Services continued - Youth specific
  - Staff are to make sure that the youth is referred to appropriate services.
  - Foster parents must support youth in accessing appropriate and preferred services.
Additional Affirming Policies Needed:

- **Personal Grooming, Clothing & Use of Names:**
  - As long as a client is dressed appropriately, they can wear the clothing, accessories, and/or hairstyle that suit their gender identity
  - Clients should be called by their self-stated names and pronouns*
Creating Confidentiality Policies:

- Adopt written policies regarding the management of information about a client’s sexual orientation, gender identity, gender expression or HIV status.

- Ensure that staff do not disclose a client’s sexual orientation, gender identity, or HIV status without the person’s permission, unless limited disclosure is required by law to protect a person’s safety. When disclosure is legally required, staff should explain, to the client, who is entitled to the information and why.
Confidentiality Policies Continued

- Staff are prohibited from attempting to convince or coerce an LGBTQ+ client to disclose or reveal their identity or to change their gender identity or sexual orientation.

- At no time may any staff member label a person as LGBTQ+ without the client explicitly acknowledging that identity.
Navigating Staff Training:

- Review non-discrimination policies
- Examine their own beliefs and attitudes and ensure their ability to professionally and ethically serve their participants
- Understand the common experiences of LGBTQ+ homeless, the factors that often lead to their homelessness, and the risks LGBTQ+ people face once they leave home
- Be able to use the words gay, lesbian, bisexual, and transgender appropriately when talking with clients, other employees, and volunteers
- Call participants by their first name and pronoun in accordance with the client’s gender identity or expression
Navigating Staff Training:

- Know what to do when a client self-discloses his or her sexual orientation, gender identity or gender expression (e.g., offer support, engage in conversation if client wants to, maintain privacy, and locate appropriate services and support for the client).
- Prevent harassment and discrimination by valuing and affirming differences and appropriately responding to verbal, emotional, and physical threats against any client.
- Never use anti-gay slurs or jokes, and appropriately intervene if others do.
Navigating Staff Training:

- Be alert to signs of harassment or abuse that may not be obvious; be approachable for clients to come to with their concerns, and make decisions on how to respond based on the clients’ best interests.
- If other agency staff members, volunteers, or clients are harassing or mistreating LGBTQ+ clients, staff must intervene to ensure the harassment stops immediately and take any further action needed.

Avoid Discrimination During Intake:

● Do:
  ○ Collect SOGIE data (clients should know - that you ask everyone these questions, what happens to the data, and they have the option to not answer)
  ○ Ask gender neutral questions - do you have a significant other?
  ○ Ask name and pronouns.
  ○ Accept the gender identity stated to you by the client.
  ○ Offer the same services to a transgender client as you would a cisgender client.
  ○ Inform all clients at intake of non-discrimination policies.
Avoid Discrimination During Intake:

● Don’t
  ○ Make decisions for the client that do not coincide with their gender identity
  ○ Seek documentation or information about the client’s anatomy
  ○ Demand to know the client’s sexual orientation
Shelter and Transitional Housing:

- **Transgender and Intersex clients:**
  - Shelter/transitional housing of the individual *must be based* on client’s gender identity, taking health and safety concerns into consideration.
  - If a transgender or intersex client requests assignment based on their gender assigned at birth, the shelter should also honor this request, as the client may feel safest that way.
  - A shelter *cannot* make an assignment or reassignment based on complaints of another person if the sole basis of the complaint is the identity of the client.
Providing Privacy for LGBTQ+ Clients:

- Protecting Privacy Includes:
  - Curtains being available for showering.
  - Having single-stall or gender neutral restrooms, or providing a private restroom when those are not available.
  - Creating separate changing schedules to maintain safety of transgender or intersex clients.

- At **minimum**, when a client expresses a privacy or safety concern, the shelter must allow the client to use separate bathrooms or dressing areas.

- To the extent feasible:
  - Add doors and locks to toilet stalls and create separate shower stalls.
Maintaining a Safe Environment:

● **Do:**
  ○ Enforce anti-discrimination policies to create a safe space.
  ○ Regularly educate staff, volunteers and clients about respect and equal treatment of LGBTQ+ individuals.
  ○ Investigate allegations of violence or harassment of LGBTQ+ individuals and respond immediately.

● **Don’t**
  ○ Ignore bullying against LGBTQ+ clients, even if you think it is harmless.
  ○ Force transgender residents to appear as their gender assigned at birth.
  ○ Victim-blame or punish the person being bullied.
  ○ Assume LGBTQ+ individuals are educated about LGBTQ+ non-discrimination.
How to be Affirming and Inclusive

● Do:
  ○ Respectfully ask for someone’s name and pronouns.
    ■ Ex. “My pronouns are _____, what are yours?”
  ○ Respectfully ask if someone identifies as male, female, or as another gender
  ○ Prohibit discriminatory language and LGBTQ+ slurs

● Don’t
  ○ Ask someone if they’ve had surgery as part of their transition
  ○ Ask what someone’s “real sex” or “real name” is, you don’t need to know
    ■ If you can’t think of a valid reason, you don’t need to know
  ○ Disclose someone’s sexual orientation to another person
  ○ Assume someone’s gender based on their appearance
Handling Non-Affirming Behavior:

- **Educate**: Educate others on their LGBTQ+ biases (including LGBTQ+ clients)
  - Bias can often stem from ignorance, education is the first step in helping others learn how to be more accepting
  - **Ex**: People sometimes use the term, “That’s so gay.”*

- **Provide Patience**:
  - Some may hold biases and not even realize it. Use *education* to help the individual realize where they can improve and allow them to change

- **Maintain the Safe Environment**:
  - If employees or volunteers consistently refuse to be respectful of LGBTQ+ individuals and their safety, consider removing them from the environment whether that be temporarily or permanently
Referrals:

● When referring individuals to services:
  ○ Ask your LGBTQ+ clients at what shelters they feel comfortable staying
  ○ Identify service providers committed to LGBTQ+ non-discrimination
  ○ Create a referral network of organizations that are safe for LGBTQ+ clients
  ○ Do not send an LGBTQ+ client somewhere they do not feel safe going
Equality Ohio Legal Clinic provides legal support to LGBTQ Ohioans, within 300% of the poverty line, who are experiencing legal hardship because of their sexual orientation or gender identity/expression. Our legal team is comprised of practicing attorneys and knowledgeable staff advocates who can provide concrete assistance with legal matters.

Areas of Law

Criminal Justice Support/Advocacy
- Victim Compensation Applications
- Temporary and Civil Protection Orders
- Criminal Justice Victim Support
- Law Enforcement Support Interaction

Family Law
- Child Support, Custody, Divorce
- Guardianship

Expungement/Record Sealing
Name Change/Identity Document Update

Benefit Support
- Health Insurance
- Food Stamps
- Social Security

Administrative Agency Support
- Unemployment Compensation
- Discrimination Complaints (OCRC, EEOC)

Consumer Law
- Identity Theft Reporting
- Remedy Consumer Debt Negotiation
- Creditor Fraud Report

855-LGBT-LAW
equalityohio.org/intake
370 S 5th St Ste G3, Columbus, OH 43215
Remember:

- **Gender Identity** is who you are.

- **Sexual Orientation** is who you are attracted to.

- **Gender Expression** (how someone expresses themselves) does not tell you their gender identity or sexual orientation.

- **Respectfully ask** if you do not know someone’s sexual orientation or gender identity.

- **Transition** is different for every individual and it is personal.
Resources about Homeless LGBTQ Individuals in Crisis

http://ruthelliscenter.org

https://youth.gov/youth-topics/lgbtq-youth/homelessness


http://nationalhomeless.org/issues/lgbt/
Resources for Homeless LGBTQ Individuals in Crisis

- Runaway and Homeless Youth Training and Technical Assistance Center (RHYTTAC): (888) 290-7233 l rhyttac.net
- National Runaway Safeline: 1-800-RUNAWAY (1-800-7862929) l 1800runaway.org
- Safe Place: Text “SAFE” and current location to 69866 l nationalsafeplace.org
- The Trevor Project: 1-866-488-7386 l thetrevorproject.org
Equality Ohio Legal Clinic provides legal support to LGBTQ Ohioans, within 300% of the poverty line, who are experiencing legal hardship because of their sexual orientation or gender identity/expression. Our legal team in comprised of practicing attorneys and knowledgeable staff advocates who can provide concrete assistance with legal matters.

**Areas of Law**

<table>
<thead>
<tr>
<th>Criminal Justice Support/Advocacy</th>
<th>Benefit Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim Compensation Applications</td>
<td>Health Insurance</td>
</tr>
<tr>
<td>Temporary and Civil Protection Orders</td>
<td>Food Stamps</td>
</tr>
<tr>
<td>Criminal Justice Victim Support</td>
<td>Social Security</td>
</tr>
<tr>
<td>Law Enforcement Support Interaction</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Law</th>
<th>Administrative Agency Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Support, Custody, Divorce</td>
<td>Unemployment Compensation</td>
</tr>
<tr>
<td>Guardianship</td>
<td>Discrimination Complaints (OCRC, EEOC)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expungement/Record Sealing</th>
<th>Consumer Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Identity Theft Reporting</td>
</tr>
<tr>
<td></td>
<td>Remedy Consumer Debt Negotiation</td>
</tr>
<tr>
<td></td>
<td>Creditor Fraud Report</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name Change/Identity Document Update</th>
<th></th>
</tr>
</thead>
</table>

**855-LGBT-LAW**

**equalityohio.org/intake**

**370 S 5th St Ste G3, Columbus, OH 43215**