

Model Policy for LGBTQ Accessibility and Non-Discrimination¹

I. Purpose of Policy

<Program Name> values the inclusion and equity and the ability to meet the needs of all individuals impacted by gender based violence regardless of gender identity and sexual orientation.

The purpose of the Lesbian, Gay, Bisexual, Transgender and Queer-identified (LGBTQ) Accessibility and Non-Discrimination Policy is to ensure that <Program Name> provides a safe, inclusive, welcoming, and nurturing environment for all employees and individuals and/or their children seeking services or who might seek services without regard to an individual's actual or perceived sexual orientation, gender identity, or gender expression. Furthermore, the procedures of <Program Name> provide additional clarity and detail for our organization's daily implementation of inclusive service provision.

The following are Model Policy suggestions to build the capacity of programs in fostering inclusive practices for individuals of all genders and sexual orientations. These suggestions should be included and infused into existing policies in the appropriate sections rather than serve as a separate or stand-alone addendum.

II. Build Capacity of Organization to Provide LGBTQ Accessibility

A. Meaningful Collaboration with Organizations

In an effort to build the capacity of the organization to provide meaningful LGBTQ access, <Program Name> will be proactive by identifying and fostering meaningful collaborations with organizations who primarily work with the LGBTQ communities.

If such organizations do not exist in the community, <Program Name> will identify leaders in the LGBTQ community who advocate for sexual orientation and gender identity equity and will collaborate with the community leaders to create environments and initiatives focused on meaningful LGBTQ access. The purpose of the collaboration is to build relationships with LGBTQ community and strengthen the competency of the organization to encourage the exchange of accurate information rather than stereotypes, interact on equal terms, to foster collaborative and supportive authority and to develop a sense of unity. Also, if such organizations do not exist at the local level, <Program Name> will identify a regional and/or national LGBTQ membership organization or technical assistance provider in order to stay

¹ Developed in collaborative partnership by the Idaho Coalition Against Sexual & Domestic Violence with the Idaho Council on Domestic Violence & Victim Assistance, and adapted from the Virginia Anti-Violence Project Model Policies and the manual *Open Minds/Open Doors: Transforming Domestic Violence Programs to Include LGBTQ Survivors* by The Network/La Red and the Anti-Violence Project. July 2014.

abreast of current issues and best practices in meeting the needs of LGBTQ individuals impacted by gender based violence. (See Resources)

B. LGBTQ Equity Impact

In providing meaningful access to services and benefits, <Program Name> understands that power, privilege and heterosexism and other forms of oppression are deeply connected to the cultural competency of the organization on an individual level and an organizational level. To that end, <Program Name> will engage staff, board and volunteers in an ongoing anti-oppression and equity work, which could include a range of options such as organizational recommended readings on power, privilege, heterosexism and other forms of oppression, training for staff, board, and volunteers, an organizational self-assessment, and/or an equity impact assessment to examine how different racial and ethnic groups are likely to be affected by organizational policies, practices, programs, plans and budget decisions. (See Resources)

III. Sexual Orientation and Gender Identity Non-Discrimination Policy for <Program Name> Clients

Understanding that discrimination, marginalization, and oppression are commonplace in our society, <Program Name> is committed to creating a safe and inclusive environment for all individuals seeking services. To that end, all staff, board, and volunteers of <Program Name> will maintain and promote an office environment that provides the highest quality of services to all individuals impacted by gender based violence and abuse, regardless of their real or perceived sexual orientation and/or gender identity.

LGBTQ survivors seeking or receiving services from <Program Name> shall receive fair and equal treatment without bias. All service providers will ensure that individuals receiving assistance are treated in a professional manner that enhances individual autonomy and dignity.

All staff, board, and volunteers involved in providing services to LGBTQ-identified survivors shall immediately report any evidence of discrimination, verbal harassment, physical or sexual harassment and/or assault of any such identified individuals to their supervisor.

Individuals who feel they have been subjected to discrimination or harassment while receiving services from any staff, board, or volunteer of <Program Name> are encouraged to report this occurrence to the designated staff position in the organization to address discrimination complaints.

<Program Name> will take all steps within its control to meet the diverse needs of all individuals impacted by gender based violence and abuse who seek services. <Program Name> will provide an environment where all individuals are treated with dignity and respect, regardless of actual or perceived sexual orientation, gender identity, or gender expression.

<Program Name> recognizes that equality and inclusion of all individuals in our mission and vision for services aligns with creating a world without violence, abuse, oppression

and marginalization of non-majority communities. <Program Name> considers it a best practice for a victim service organization.

However, there is also statutory authority that requires all organizations serving individuals impacted by gender based violence to recognize and treat same-sex marriages on the same terms as opposite-sex marriages to the greatest extent reasonably possible.

A. Statutory Authority of the Family Violence Prevention and Services Act

The Family Violence Prevention and Services Division has mandated that any organization receiving funds under the Family Violence Prevention and Services Act (FVPSA) will recognize the qualifying relationship of “marriage” and of “spouse” in the FVPSA’s definition of domestic violence as including the relationship of same-sex spouses so long as the same-sex spouses entered into a marriage valid in the state (or foreign jurisdiction, if at least one state would recognize the marriage) where they were married, regardless of where the married couple currently resides. (See the Supreme Court’s decision in *United States v. Windsor*, available online at http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf for more information.

B. Statutory Authority of the Violence Against Women Act

The Violence Against Women Act of 2013 amends the Violence Against Women Act of 1994 by adding a grant condition that prohibits discrimination by recipients of certain Department of Justice funds:

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds made available under (VAWA), and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

IV. Confidentiality and Non-Disclosure Policy for Employees and Clients

<Program Name> strives to provide a supportive environment for LGBTQ employees and clients by treating those persons who are open about their sexual orientation or gender identity with respect and dignity. <Program Name> also understands that some individuals might not want to share information about their sexual orientation with coworkers, other clients, or anyone else associated with the organization. <Program Name> will never mandate that any person employed or served by the organization disclose their sexual orientation or gender identity. In these situations, <Program Name> is dedicated to respecting the confidentiality of those persons. Staff, Board, or volunteers will never disclose sensitive information about another individual’s sexual orientation or gender identity without that person’s explicit written consent. Those in violation of this policy will be subject to disciplinary action, up to and including termination.

V. Transgender Identification and Support Policy

A. Policy for Employees

<Program Name> recognizes that transgender employees may face additional challenges in the workplace. Affirming our commitment to an inclusive environment and embracing the diversity of our staff, <Program Name> seeks to ensure that employees who are currently transitioning or who have already undergone gender transitions are treated in an equal and respectful manner. Transgender employees are encouraged to dress consistently with their gender identity and should be addressed with the pronouns relevant to the gender with which they identify. Furthermore, <Program Name> respects all employees' right to privacy. Transgender employees shall not be subject to unwanted questions regarding their status, medical history, or sexual orientation.

B. Policy for Clients

As part of its commitment to providing services to those in need, without discrimination or harassment, <Program Name> will promote an environment that is accepting and encouraging to transgender clients. Clients who identify as transgender shall receive support and accommodation from <Program Name> in determining their needs. Pronouns used and clothing provided shall reflect the gender with which the client identifies, and confidentiality shall be respected in regard to disclosures concerning transgender status, medical history, or sexual orientation.

C. Use of Restrooms

<Program Name> will make all efforts to provide gender neutral restrooms. However, if office/building space dictates restrooms designated by gender, employees and clients shall be allowed to choose the restroom that corresponds most closely with their gender identity.

VI. Hiring Practices

In order to encourage diversity among our staff, <Program Name> will post job opportunities in multiple publications, message boards, and listservs. <Program Name> will pay particular attention to including those publications accessed by LGBTQ individuals, individuals from marginalized communities, and individuals with disabilities.

VII. Commitment to Ongoing Cultural Awareness/Sensitivity Training

<Program Name> is committed to ensuring all staff participate in continuing education on LGBTQ issues so that our ability to understand and empathize with the unique challenges faced by LGBTQ survivors is enhanced, and our skills are continually evolving and improving.

VIII. Collaboration with LGBTQ and Ally Organizations

<Program Name> is committed to seeking ongoing technical assistance from other organizations representing the LGBTQ community. <Program Name> will develop strong connections with the local LGBTQ community and ally organizations so that <Program Name> can always be providing the safest and most supportive and inclusive services to LGBTQ survivors of gender based violence and abuse.

IX. Commitment of <Program Name> to Maintaining a Welcoming Environment

<Program Name> will create and maintain a comprehensive list of local resources for LGBTQ people. It will include shelters, medical programs, support groups, legal assistance, hotlines, and any other resources that are LGBTQ specific. <Program Name> will seek input and listen to survivors' feedback about which of our programs work well and which do not. This evaluation will be incorporated into other regular evaluations conducted by <Program Name>.

X. Assessment

In order to ensure effective, safe, and appropriate services, <Program Name> will implement an assessment for all those accessing services to ascertain how the organization can best meet the needs of each individual. The assessment will be designed to determine whether or not the individual would benefit from services for individuals impacted by or experiencing gender based violence or for individuals engaging in abusive behaviors. If an individual seeking services from <Program Name> is determined to be engaging in abusive behaviors and/or attempting to manipulate services as a part of abusive behavior, the individual will be provided with appropriate referrals to other community resources.

Definitions

(Adapted from the Virginia Anti-Violence Project)

Queer: A political and sometimes controversial term that some LGBT people have reclaimed, while others still consider it derogatory. Used most frequently by younger LGBT people, activists, and academics, the term can refer either to gender identity, sexual orientation, or both and can be used by people of any gender.

Sexual Orientation: The culturally-defined set of meanings through which people describe their sexual attractions. Sexual orientation is not static and can shift over time.

Gender Identity: An individual's internal view of their gender. Their own innermost sense of themselves as a gendered being and/or as masculine, feminine, androgynous, etc. This will often influence name and pronoun preference.

Gender Expression: Aspects of behavior and outward presentation that may (intentionally or unintentionally) communicate gender to others in a given culture or society, including clothing, body language, hairstyles, voice, socialization, relationships, career choices, interests, and presence in gendered spaces (restrooms, places of worship, etc.).

Gender transition: The process through which a person modifies his or her physical characteristics and/or gender expression to be consistent with his or her gender identity. Gender transition may, *but does not necessarily*, include hormone therapy, sex reassignment surgeries and/or other medical or surgical components. The process may also include telling one's family, friends and/or co-workers, and changing one's name and/or gender on legal documents. As each person's transition is unique to that individual's needs, there is no defined set of steps which add up to a "complete" transition.

Resources

The following organizations and websites served as resources for this section of <Program Name> LGBTQ-inclusive policies. Their websites would serve as additional resources to staff who want to further enhance their knowledge of LGBTQ-inclusive topics of accessibility.

Virginia Anti-Violence Project, *Model Policies*.

http://www.avp.org/storage/documents/Training%20and%20TA%20Center/VAVP_LGBTQ-Inclusive_Model_Policies.pdf

National Center for Lesbian Rights, <http://www.nclrights.org>

Trans Alliance Society, *Trans Inclusion Policy Manual for Women's Organizations*, Winter 2002. <http://www.transalliancesociety.org/education/documents/02womenpolicy.pdf>

Trans Alliance Society, *Exploring Transgendered Community and Gender Based Programs In Greater Victoria*, by Lisa Warrilow, Project of the Vancouver Island Public Interest Research Group's Research Internship Program, Transcend Transgender Support and Education Society and University of Victoria Sociology 373, 2003.

<http://www.transalliancesociety.org/education/documents/03vipirg.pdf>

Trans Alliance Society, *Re/Defining Gender and Sex: Educating for Trans, Transsexual, and Intersex Access and Inclusion to Sexual Assault Centers and Transition Houses*, a thesis submitted by Caroline White in accordance with requirements for a Master of Arts Degree in the Department of Educational Studies of the University of British Columbia, 2002. <http://www.transalliancesociety.org/education/documents/03cwhitethesis.pdf>

Transgender Law Center, <http://transgenderlawcenter.org/>

The Network/La Red, <http://tnlr.org/>

National Coalition of Anti-Violence Projects, <http://www.avp.org/about-avp/national-coalition-of-anti-violence-programs>

The Northwest Network, <http://nwnetwork.org/>

**SAMPLE PROCEDURE FOR ADDRESSING FORMAL ACCUSATIONS
OF ABUSIVE/HARASSING BEHAVIOR
(From the National Coalition of Anti-Violence Programs)**

1. Allegations of abuse and/or harassment made to <Program Name> against anyone working or volunteering in any capacity with <Program Name> will be formally acted upon only when made or confirmed by the person who directly experienced the alleged abuse/harassment by the employee/volunteer/intern of <Program Name>. When such allegations are made, <Program Name> will first offer to help the complainant with safety issues.
2. <Program Name> will designate two staff members to respond to allegations of abuse, with one alternate in the event that one of the designated people is the alleged abuser. <Program Name> will let the complainant know that there are two designated persons to respond to this issue and that s/he should talk to either one of them. The complainant will be asked - what is the best way for contact to be reinitiated with her/him.
3. One of the designated persons will contact the complainant and explain the process for filing a grievance. The designated person will also send a written explanation of the process to the complainant at a safe address. The two designated persons can only discuss this issue with each other. <PROGRAM NAME> will ask the complainant if s/he wants assistance in writing the grievance and will offer suggestions and reasonable forms of assistance.
4. The complainant will be asked to give a written account of the abuse including but not limited to: a description of the most recent abuse; a description of the most serious abuse; any other information the complainant believes is important, and return it to the designated contact person. The complainant will be informed that once the written account is received, <Program Name> will continue with the investigational process, regardless of whether the complainant wishes to continue it or not.
5. Once the written response is received from the complainant, the alleged abuser will be told that a complaint has been received and given general information about the complaint. The alleged abuser may be suspended from <Program Name> activities and responsibilities until the issue is resolved. If the alleged abuser is a paid employee, s/he will receive full pay during this period.
6. The designated person will call a special meeting of a Grievance Committee which will be comprised of 3-5 members. The Grievance Committee will include at least one member of the Board of Directors and at least one LGBTQ survivor of battering. A reasonable effort will be made to include a member of any community appropriate to the situation (i.e., ethnic, cultural, disability, etc.). Individuals who are not clients or employees of <Program Name> themselves may be members of this committee if appropriate or necessary. All members of this committee must be sensitive to and have an understanding of abuse and/or harassment and to lesbian, gay, bisexual, queer and/or transgender issues. Either the alleged abuser or the complainant may remove any member of the committee for good cause, and an alternate member must be found. Good cause will be determined by one of the designated persons.
7. The Grievance Committee will be given copies of the written account of abuse by the complainant. The Grievance Committee will then meet first with the complainant, with or without a support person, at a mutually agreed upon place. The complainant may bring in

people individually to provide testimony on what they saw or heard directly in relationship to the alleged abuse.

8. The Grievance Committee will then meet separately with the alleged abuser, with or without a support person, at a mutually agreed upon place. The alleged abuser may bring in people individually to provide testimony on what they saw or heard directly in relationship to the abuse.
9. The Grievance Committee will make a written determination of the facts in the case based on the information they received and will make a written recommendation regarding any action to be taken. Both the determination and recommendation will be arrived at by majority vote and written dissenting opinions may also be included. The recommendations for action will follow guidelines set out by the Board. The determination of facts and recommendation, including dissenting opinions, will be made and delivered to the Board.
10. After receiving the recommendation from the Grievance Committee, the Board will decide what action, if any, will be taken. Neither the complainant nor the alleged abuser will have a vote in or any other input into the decision-making process. The one exception is if it is found that the complainant has been abused by the alleged abuser. In this case either the Grievance Committee or the Board may ask the complainant for input on any action to be taken. If it is determined that the alleged abuser has been/is abusive, in accordance with <Program Name> policy that abusive behavior on the part of employees, volunteers, interns or Board members of <Program Name> is unacceptable, s/he will immediately be terminated from <Program Name>.
11. Steps (5) through (10) will take place in a timely fashion, taking no more than six weeks.