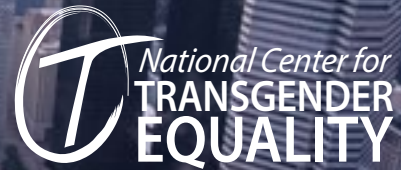




# A TRANSGENDER LOCAL AGENDA

## An Overview Of Policies For Cities And Counties

OCTOBER 2016



*Throughout the US, increasing numbers of transgender people are coming out and trying to live safe and productive lives, in not only urban but also rural and suburban areas. Too often, they face discrimination, harassment and violence, resulting in unemployment, homelessness, and negative health outcomes. The policies in this agenda have the potential to dramatically improve people's lives, in addition to being simply matters of good government. Some cities and counties are more populous and provide more social services and regulation of local entities, while others are smaller and/or do not have some of these powers, thus the recommended actions included here are not applicable to all cities and counties.*

High priority items are indicated in orange text.

## NON-DISCRIMINATION GENERALLY

- Implement a policy of non-discrimination for city/county employees including sexual orientation and gender identity or expression.
- Develop a written policy on gender transition that applies to city/county employees and ensure that the HR department(s) are capable of appropriately implementing this policy.
- Implement a policy prohibiting discrimination by city/county contractors against employees because of gender identity or expression and sexual orientation.
- For cities/counties with clearly transgender-inclusive non-discrimination laws, or a local sex discrimination law that can be interpreted favorably to include gender identity, issue regulations or compliance guidelines implementing these laws. For example, employment rules typically explain that an employee has the right to dress and use facilities in accord with the employee's gender identity.

- Implement nondiscrimination policies and transgender guidelines for all city/county agencies that directly serve the public, especially social service agencies.
- Require transgender cultural competence training for all city/county employees similar to other diversity and other policy trainings, both for new employees as well as established employees.
- Establish a Mayor’s Commission, City/County Commission, or Ombudsperson on LGBT Rights, LGBT Youth, and/or LGBT Elders, with the authority to investigate, issue recommendations, and work with city/county agencies to implement the policies described in this agenda.

## ■ ADDRESSING EMPLOYMENT BEYOND WRITTEN NON-DISCRIMINATION POLICIES

- Ensure that job centers and job training programs are serving transgender people by providing annual cultural competency training for staff, as well as guidelines for respectful treatment of transgender job-seekers or trainees.
- Take specific action to combat transgender unemployment, such as by developing and/or funding programs like the Trans Economic Empowerment Initiative, supported by government funds from San Francisco, to help transgender people become job ready and gain employment.



- Train staff annually at human rights/civil rights agencies that investigate discrimination complaints in such areas of employment, housing, access to public education, and public accommodations.
- For city/county employment applications, “ban the box” asking about criminal records on initial applications except in narrow circumstances. Transgender people are over-represented among those with criminal convictions for survival crimes and/or low level crimes.
- Develop a policy to ensure that city/county employees can update the gender in their personnel records and on employee ID badges without burdensome proof requirements.
- For law enforcement and security officers, develop a policy that recognizes officers’ gender identity for purposes of gender-specific job duties, such as searches.

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## ■ ADDRESSING HOUSING BEYOND WRITTEN NON-DISCRIMINATION POLICIES

- Ensure that homeless shelters receiving city/county funds have written policies concerning equal access for transgender people, including access to facilities according to their gender identity, and receive yearly cultural competence training.
- Take specific action to combat transgender homelessness and the lack of safe shelter and other safety net services, such as developing or funding programs like the Trans Life Center in Chicago, which provides emergency housing and wrap-around services for transgender people facing homelessness and is supported in part by government funding.
- Include transgender-related questions and/or gender options that allow people to self-identify as transgender in any homelessness census and other surveys relating to homelessness.

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## ■ HEALTH

- Remove any transgender health exclusion in city/county employee health care plans and replace it with affirmative, comprehensive coverage.
- Fund transgender-specific HIV, Hepatitis C, and STI prevention and treatment services and require all HIV-related/Hepatitis C/STI providers to be trained on transgender cultural competence, including those that work with non-English speaking and other minority communities.
- Fund transgender-specific suicide prevention/intervention programs.
- Fund transgender-specific health promotion/prevention programs and routine health screenings.
- If suicide data is collected locally, track attempted and completed suicides of transgender individuals, including transgender youth.
- Include transgender people in communications about domestic violence and sexual assault awareness campaigns.
- Require city/county-run or funded health care facilities (including long-term care mental health facilities), and aging services organizations to institute comprehensive nondiscrimination guidelines, including guidelines on the treatment of transgender patients or residents, and require annual cultural competence training for staff.
- Fund needle exchange programs and other harm-reduction services that transgender people disproportionately need.
- Provide condoms in city/county jails and correctional facilities to prevent HIV transmission.



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## ■ IDENTITY DOCUMENTS AND PRIVACY

- Create a municipal ID system if transgender and/or undocumented people do not have easy access to state IDs that reflect their identity. The municipal ID should allow applicants to choose male, female, or undesignated gender marker.
- For city/county program offices (such as job and family services) that maintain a beneficiary record listing gender, develop a policy to ensure beneficiaries of social services can update the gender in their agency records without burdensome proof requirements.
- For vital records, absent a prescriptive state law or regulation to the contrary, use the authority of the city/county vital records office to create policies on updating birth certificates, death certificates, or marriage certificates without burdensome proof requirements.
- If the state has voter ID laws, develop a written policy for the local board of elections clarifying that a voter's gender-related appearance or discrepancies between their gender expression and the gender marker or photo on their identification are not relevant to their eligibility to vote, and train poll workers accordingly.

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## ■ SCHOOLS AND YOUTH

- Issue district-wide regulations or guidance to K-12 schools on equal opportunity and privacy for transgender students; regulations or guidance should cover the range of issues where transgender students face discrimination, including dress codes, access to facilities, use of preferred names and pronouns, and participation in extra-curricular activities.
- Require or recommend comprehensive anti-bullying policies for K-12 schools in the district, which specifically list sexual orientation and gender identity or expression as protected characteristics.
- Require school administrators and staff in the local district to be trained in transgender cultural competence.
- Require school counselors in the local district to have specific training regarding suicide prevention with transgender youth.
- Work with racial justice advocates to reform school discipline policies, such as limiting suspensions or expulsions on vague grounds such as “willful defiance.”
- If the local school district conducts student surveys (such as health and behavior surveys), include transgender-related demographic questions.
- If the city/county conducts other surveys of youth, such as of runaway and homeless youth, include transgender-related demographic questions.



- Adopt nondiscrimination policies and transgender guidelines for the foster care and adoption services systems, and ensure agencies receive annual cultural competence training and place transgender youth in accepting homes.
- Implement a non-discrimination policy that applies to transgender prospective foster and adoptive parents and include them in outreach efforts to recruit more parents.
- Develop a plan to combat youth homelessness and provide affirming shelter, health, and other services for transgender youth.
- Require child protection agencies to have staff training and policies on how to spot and dismiss child abuse reports against parents who affirm the gender of their child, and require staff to have training in transgender cultural competence more generally.
- Require that city/county-supported universities and colleges enact comprehensive non-discrimination policies, including access to housing and facilities, and that staff are trained annually on providing culturally competent support for transgender students.
- Institute comprehensive sex education programs in local schools that include information about transgender people; drop abstinence-only-until-marriage programs.

## ■ CRIMINAL JUSTICE AND THE JUDICIAL SYSTEM

- Develop a policy covering respectful treatment of transgender people by all city/county law enforcement agencies, including appropriate search procedures, respectful communication, and prohibiting profiling based on transgender status, and train all law enforcement officers on the policy and cultural competence.
- Establish an LGBT Liaison Unit within the police and/or sheriff's department.
- Establish a strong civilian oversight system/board to monitor and address law enforcement's excessive use of force, profiling based on all characteristics, and any other violations of the public trust.
- Develop comprehensive policies dealing appropriately with transgender adults in city/county jails and prisons to ensure fair treatment as well as to reduce sexual assault (building on federal PREA standards), and provide training on these policies and on cultural competence. These comprehensive policies should include screening, housing by gender identity, prohibiting automatic or prolonged segregation, search procedures, privacy, access to appropriate clothing and grooming items, provision of all medically necessary health care, and staff training.
- Develop comprehensive policies dealing appropriately with transgender youth in the juvenile justice system (see above), with particular attention to the documented problem of youth being disciplined or arrested for self-expression or for self-defense in cases of abuse.



- Eliminate the use of long-term solitary confinement in corrections facilities (which disproportionately affects transgender prisoners), and eliminate any use of solitary confinement for minors or those with mental illness.
- Educate/train and develop appropriate policies in the rest of the criminal justice system, including judges, prosecutors, district attorneys, victim/witness advocates, defense attorneys, and probation, parole, diversion, reentry and rehabilitation programs.
- De-prioritize prosecutions for non-violent drug and sex work offenses, and HIV-related offenses.
- Use any discretion available to send people to alternatives to detention and diversion programs, seek lower sentences, increase access to bail and pre-trial release, and use probation and parole as much as possible to reduce incarceration.
- End or limit participation of city/county agencies in immigration enforcement.
- Include transgender-related and/or gender options that allow people to self-identify as transgender when reporting or being surveyed as victims of crimes; provide gender identity-related hate crimes data to the FBI.
- Institute rules to prohibit discrimination in jury selection based on sexual orientation or gender identity or expression.

## OTHER ACTIONS

- Appoint or hire openly transgender people, especially trans people of color, to serve throughout city/county government.
- Develop policies and protocols for transgender non-discrimination in disaster management emergency services.
- Update city/county building codes to increase requirements for single-stall, accessible restrooms in new buildings and require that all single-user restrooms be gender-neutral.
- Institute policies and guidelines to require or encourage designating single-stall restrooms in city/county buildings as gender neutral/unisex.
- Include transgender people in any established gender equity analysis and programs.
- Issue a proclamation recognizing Transgender Day of Remembrance (November 20), in addition to Pride Month, Coming Out Day, and the Day of Silence.



**For assistance with any of these policies, contact NCTE’s Policy Director, Harper Jean Tobin, at [hjtobin@transequality.org](mailto:hjtobin@transequality.org) or 202-642-4542.**

## REFORMS OFTEN REQUIRING LOCAL LEGISLATIVE ACTION

Mayors and local agencies often do not have authority for certain needed policy change. These policies typically require the city or county council to act:

- Passage of a non-discrimination law covering sexual orientation and gender identity that requires private entities (such as employers, housing providers, etc.) not to discriminate.
- Requirements that city/county contractors do not discriminate as a condition of contract
- Regulation of the health insurance industry to prohibit exclusions for transition-related health care in insurance policies, as well as the state Medicaid program (typically requires state-level action).
- Repeal of laws that target the homeless such as those against panhandling, eating in public, sleeping in public.
- Reduction of sentences for non-violent crime, reforms on bail, parole and probation restrictions, and decriminalization of sex work and drug possession or sales.
- Implementation of school-related policies (typically requires action by the school board).
- Requirements that health providers and facilities need to complete transgender cultural competence training and implement non-discrimination policies to maintain a license (typically requires state-level action).
- Passage of policies related to updating the gender on birth certificates, death certificates, and marriage records (typically requires state-level action).



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The following federal and state agendas are available at :

<http://www.transequality.org/issues/agendas>

*Blueprint for Equality: A Transgender Federal Agenda for the Next Presidential Administration and Congress*

*A Transgender State Agenda: An Overview Of Policies For Governors And State Agencies*

