

**EFFECTIVE LEGISLATION? A QUANTITATIVE ANALYSIS OF STATE-LEVEL  
GENDER IDENTITY NONDISCRIMINATION LAWS**

**A thesis submitted to the faculty of  
San Francisco State University  
In partial fulfillment of  
the requirements for  
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**Master of Arts  
In  
Sexuality Studies**

by

**Nicolette Nicole Gullickson**

**San Francisco, California**

**August 2017**

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2017

## CERTIFICATION OF APPROVAL

I certify that I have read *Effective Legislation? A Quantitative Analysis of State-Level Gender Identity Nondiscrimination Laws* by Nicolette Nicole Gullickson and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirement for the degree Master of Arts in Sexuality Studies at San Francisco State University.



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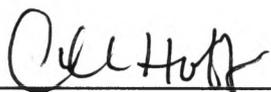
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EFFECTIVE LEGISLATION? A QUANTITATIVE ANALYSIS OF STATE-LEVEL  
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San Francisco, California  
2017

As of December 2016, there are no federal laws protecting transgender Americans from discrimination. Due to a lack of federal protections and varied attitudes towards trans folks, depending on geographical location, there exists a patchwork of state-level legal protections across the U.S. In spite of several states passing statewide nondiscrimination laws over the past two decades, transgender folks continue to experience high levels of gender identity-based discrimination. Research indicates continued unemployment, poverty, and incarceration due to discrimination in employment, housing, and public accommodations. To examine the effectiveness of state-level legal protections for transgender residents, this thesis conducts statistical tests to examine the relationship between state policy climates and levels of self-reported discrimination in three policy areas: employment, housing, and public accommodations. Using policy data provided by the Movement Advancement Project and discrimination data from the 2008-09 National Transgender Discrimination Survey, conducted by the National Center for Transgender Equality, Kendall correlations reveal almost no correlation between state-level policy climate and levels of self-reported discrimination.

I certify that the abstract is a correct representation of the content of this thesis.

  
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Date

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Finally, to my partner and best friend, a sincere thank you to Johnny for supporting me through this program, the program before it, and the program to come.

## Positionality Statement

In February 2015, I attended the Trans Liberation Tuesday demonstration in front of San Francisco City Hall. A 24-year-old nursing student and trans woman of color gave one of the most moving speeches I have heard. At an especially poignant moment she said, “Remember my face, because statistics will tell you, that in the next decade, I will have died violently.” A few moments later, as she turned to leave, I walked up to her with tears in my eyes and told her how deeply moved I was by her speech. Observing my emotional state, she moved to comfort me, taking my hand with a look of compassion on her face; I asked if I could give her a hug, and she embraced me like we were old friends. There are few moments in life when one experiences something so profoundly affirming.

As a University of California, Berkeley undergrad, in Dr. Jill Bakehorn’s Sexual Cultures course, I was exposed to the complexities of gender identity and the daily struggle of living as a trans person in a culture that refuses to acknowledge the expansiveness of gender. There are pockets of liberation throughout the country, liberal enclaves and university campuses, but the reality is large-scale systemic change is sadly lacking. Trans folks, especially trans women of color, continue to be targeted for violence and politicians continue to oppose the fight for transgender civil rights by striking down nondiscrimination laws, working to institute sweeping religious freedom legislation, and stopping trans folks from using the bathroom. Armed with this knowledge, I chose to make the movement for trans rights my academic focus. After volunteering, and later interning, for the Transgender Law Center, I developed an interest in the legal issues faced by the trans community. I noticed that advocacy efforts spent a significant amount of energy on the passage of nondiscrimination legislation that would explicitly name gender identity and expression as legally protected characteristics, in the vein of sex and race under Title VII of the Civil Rights Act. My background in sociology led me to

question the effectiveness of such an approach; we have yet to achieve either racial or gender parity in the U.S. and we have had nondiscrimination laws protecting people of color and women for over 50 years. I searched for research that might speak to the effectiveness of nondiscrimination laws and found that none existed. This is the gap I wish to fill with my thesis research, to demonstrate whether or not empirical evidence supports expending so much of our limited resources fighting for the passage of nondiscrimination laws. As a cisgender white woman married to a cisgender white man, I am an outsider to the LGBT community. I want to make it clear that I do not speak for any part of the LGBT community. I am an active ally who wishes to use my privilege for good, to contribute to making the world a safer and more accepting place for trans folks. My hope is that this piece of research will further that end.

I would also like to note that this thesis was written during an exceptionally tumultuous point in the history of U.S. politics, as 8 years of (arguably) social progressiveness was met with a regressive presidential agenda presented by a hostile incoming administration. After continually revising sections of this thesis, as each new executive action altered the legal landscape for transgender Americans, I was forced to choose an end point for the sake of completing a cohesive and effective thesis. While I mention the 45th administration for context, this study necessarily culminates in 2016. I fear the legal situation for trans folks will continue to worsen over the duration of the current administration, however long our 45th president holds office. The severity of the situation going forward may lead to an alternative analysis of the results of this study, but for now, fighting anti-trans legislation sounds like money well spent.

## TABLE OF CONTENTS

List of Appendices .....	viii
Introduction.....	1
Federal Legal Standing .....	4
Limitations of Federal Law.....	9
Queer Theory Critique .....	12
Inadequacy of Liberal Ideology .....	14
Collusion Through Normativity.....	18
Normativity as Survival .....	22
Embodiment.....	23
Queer Politics.....	24
Current Research.....	26
Methodology .....	29
Overview .....	29
Measurement.....	31
Analysis.....	38
Results.....	39
Discussion .....	40
Conclusion .....	47
Reference .....	54
Appendices.....	60

## LIST OF APPENDICES

Appendix	Page
1. 2008 Per Capita Calculations .....	60
2. Scalar State Scores- Housing .....	62
3. Scalar State Scores- Employment .....	64
4. Scalar State Scores- Public Accommodations.....	66
5. EEOC Claim Statistics 1997-2015 .....	68
6. History of Federal Nondiscrimination Legislation.....	69
7. NTDS Instrument .....	75
8. Demographics of the Sample .....	88

## Introduction

A decade ago, the transgender community had little legal protection against discrimination; in 2016, after 50 years of organizing<sup>1</sup>, leading to a major civil rights movement, transgender Americans have greater legal recourse than ever before. The Movement Advancement Project (MAP), a nonprofit organization that tracks state laws pertaining to the LGBT community, indicates that, as of 2016 and speaking specifically to protections for trans folks, 19 states have nondiscrimination laws in employment, 31 states have laws that allow trans residents to amend their gender markers on official identity documents, and 19 states have anti-bullying laws. While these numbers present significant progress for the sociopolitical personhood of transgender citizens, the majority of U.S. states continue to fall short in their duty to ensure equal protection of life and liberty for trans residents. In particular, trans folks living in the South and most of the Midwest continue to have no legal protection, although some municipalities have local ordinances against employment discrimination. According to MAP, 51% of U.S. states have a low or negative score when tallying up both pro and anti trans legislation; the majority of these states are located in the South and Midwest. The National Center for Transgender Equality (NCTE), the Transgender Law Center (TLC), Lambda Legal, the Human Rights Campaign (HRC) and many other prominent

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<sup>1</sup> The Compton Cafeteria Riot in 1966 is generally recognized as the first documented incident of collective public protest by trans and gender nonconforming people and is thus the initiating event of the movement for trans rights.

LGBT rights organizations advocate for the passage of nondiscrimination laws. NCTE's site states, "Clear non-discrimination laws covering gender identity and expression are an important part of the solution because they can help stop the discrimination before it happens. Clear laws often cause businesses to have policies against discrimination and train employees to follow those policies."<sup>2</sup> However, there is no empirical evidence that nondiscrimination laws deter people from discriminating against members of protected classes. In puzzling out the disproportionate discursive attention paid by the media and advocacy organizations, as well as within the domain of public opinion, to the fight for marriage equality, West (2014) points out that the overwhelming majority of Americans support instituting employment protections for LGBT folks. Citing a 2008 Gallup poll, the author states that 89% of respondents agreed that gay people should have equal employment opportunities and a 2006 poll by National Gay and Lesbian Task Force showed 59% of respondents supported trans-inclusive nondiscrimination laws (p. 130, 220). This level of support warrants greater attention to the fight for employment nondiscrimination laws, so argues West (2014), but is the passage of such laws just as symbolic as the guarantee of marriage rights? The Supreme Court of the United States ruled in favor of same-sex marriage in June of 2015, making marriage equality the law of the land nationally, yet in 28 states a gay person can still be fired or denied housing. Winning the fight for marriage equality

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<sup>2</sup> See NCTE's mission statement at [transequality.org](http://transequality.org).

does not automatically shield gay, lesbian, and bisexual people from discrimination. West (2014) acknowledges the necessity of privileging certain goals over others due to limitations in resources, yet he advocates for privileging the fight for employment protections without confirmation that such protections would facilitate equality any more than marriage rights. According to Equal Employment Opportunity Commission (EEOC) statistics<sup>3</sup>, race-based employment discrimination has been the most prominent type of charge for at least the last twenty years<sup>4</sup> in spite of the fact that Title VII of the Civil Rights Act banned discrimination based on race in 1964. Sex-based discrimination made up the second largest category of charges received by the EEOC between 1997-2015, although it too is banned by Title VII of the Civil Rights Act. If employment nondiscrimination laws deterred employment discrimination, we would expect to see fewer cases of such discrimination over time. In spite of this, millions of dollars are spent annually by advocacy organizations seeking to pass nondiscrimination laws with no way to track the effectiveness of such legislation.

This thesis provides empirical evidence regarding the effectiveness of state-level nondiscrimination laws by examining the potential relationship between state policy climates and levels of self-reported discrimination, as indicated in the National

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<sup>3</sup> The EEOC began tracking gender identity and sexual orientation claims in 2013 but that information has not been made publically available at the time this study was conducted.

<sup>4</sup> Data is available from 1997 to 2015 and is publically available on the agency's website.

Transgender Discrimination Survey conducted by the National Center for Transgender Equality in 2008-09.

### Federal Legal Standing

As of December 2016, there are no federal laws that list sexual orientation or gender identity as protected characteristics. Progressive legislators have worked to pass federal nondiscrimination laws to protect LGBT individuals since the 1970s, to no avail<sup>5</sup>. The first piece of federal legislation protecting sexual orientation was introduced in 1974; the Equality Act of 1974, introduced by Massachusetts Representative Barney Frank, was unable to gain the legislative support needed to bring it to the floor for a vote. Subsequently, it was not until the first version of the Employment Nondiscrimination Act (ENDA) was introduced in 1994 that pro-LGBT bills gained much traction in congress. ENDA was designed to protect gay and lesbian folks, among others, from employment discrimination, although it failed, and a version of ENDA has been introduced in every single congress since (with the exception of the 109th). Gender identity was finally added to ENDA in 2007. In 2016, after twenty plus years of effort by progressive legislators, ENDA has yet to pass. In contrast and possibly due to this congressional stalemate, previous presidential administrations

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<sup>5</sup> See the Human Rights Campaign website for a chronology of federal legislative efforts titled “A History of Federal Nondiscrimination Legislation.”

have taken executive action to provide employment protections for LGBT public employees: the Clinton administration issued executive orders that protected sexual orientation and the Obama administration issued similar executive orders for gender identity.

Even though there are no explicit federal legal protections in place for sexual orientation or gender identity, the “sex” classification in Title VII has been argued to prohibit discrimination based on actual or perceived sexual orientation, sexual harassment, gender stereotyping, and gender identity or expression in. In 1989, the Supreme Court found in favor of a plaintiff who alleged that her employer denied her promotion because she did not present her gender in a normatively feminine manner in the case of *Price Waterhouse v. Hopkins*. Stephens (2013) describes the outcome of the trial:

In finding for the employee, the Court stated, “[i]n the context of sex stereotyping, an employer who acts on the basis of a belief that a woman cannot be aggressive, or that she must not be, has acted on the basis of gender” in violation of Title VII’s prohibition of sex-based discrimination. “[W]e are beyond the day when an employer could evaluate employees by assuming or insisting that they matched the stereotype associated with their group, for ‘[i]n forbidding employers to discriminate against individuals because of their sex, Congress intended to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes.’” (p. 373)

This case set a precedent for future courts to follow a broader interpretation of sex, under Title VII, to include any discrimination based on sex or gender, which has

facilitated the successful litigation of employment discrimination suffered by transgender plaintiffs in several cases, such as *Smith v. City of Salem, Ohio* (in 2004), *Cincinnati v. Barnes, Philecia* (in 2005), and *Macy v. Holder* (in 2012). Changing interpretations, by higher-level courts, allow flexibility in our laws so that the legal system can evolve with changes in public opinion. Further, nondiscrimination laws are often written ambiguously to allow for broad interpretation; it is then the job of the federal agency responsible for implementation and enforcement to hand down specific and detailed regulations on such laws. Take for example the May 2016 final regulations handed down by the Department of Health and Human Services (HHS), regarding the Affordable Care Act, that specifically include gender identity and expression as a protected status and disallows bans on transition-related care in health insurance ([hhs.gov](http://hhs.gov)). The two-prong system, of congressional action in law making and subsequent agency regulation, allows input from the public, as federal agencies are required to take public comments during the process of creating regulations and guidelines for the implementation of new laws. In 2012, the EEOC handed down guidelines that support the inclusion of trans folks for employment protection under the classification of “sex” in Title VII, which illustrates institutional support for redefining “sex” to reflect the needs of a changing society (Sanders, 2016, p. 271). Further, in 2014, U.S. Attorney General (AG) Eric Holder announced that the

Department of Justice (DOJ) would uphold the inclusion of gender identity as protected under the “sex” classification in Title VII (Steinmetz, 2015). Subsequent AG Loretta Lynch continued operating under this assertion, suing the state of North Carolina over HB2, which prevented transgender residents from using the bathrooms that correspond with their gender identities<sup>6</sup>. Since there are no federal laws that explicitly list gender identity as a protected characteristic, trans litigants are at the mercy of judges in higher-level courts who are under no obligation to follow the decisions of more liberal circuit courts that have ruled in favor of a more expansive application of “sex” under Title VII. In a 2014 case in Texas, wherein a transgender employee brought charges of employment discrimination against retailer Saks Fifth Avenue, rather than denying that such discrimination occurred, the attorneys for Saks simply argued that trans employees are not protected under federal law, specifically stating that Title VII does not apply to gender identity (Steinmetz, 2015). Eventually this case was settled, but the only way to avoid such arguments in the future is to enact a federal nondiscrimination law that lists gender identity and expression as a legally protected classification.

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<sup>6</sup> However, sitting AG Jeff Sessions, appointed by the current administration, is a strong proponent of religious liberty legislation, which has frequently been used to legalize discrimination against LGBT people. The DOJ, at the behest of AG Sessions, along with the Department of Education, now headed by Trump appointed Betsy DeVos, has rescinded Obama era guidance interpreting “sex” under Title IX as extending to gender identity.

On the state level, policy climates depend, in large part, upon the political party that controls the local government, so trans people may be seriously disadvantaged by the whims of conservative politicians and judges. In 2016, only 16 states had laws that protect trans residents from discrimination while multiple local governments are currently considering restricting trans resident's rights by passing so-called bathroom bills and religious freedom laws (Luk, 2016). Canaday (2009) points out that, although gay rights litigators have often focused their efforts on state courts due to higher odds of successful litigation outcomes, only the federal government can confer equal citizenship. Citizenship, as a national category, has powerful material and symbolic value: "To enclave issues facing sexual minorities as state and local matters is to deny that such questions merit the attention of federal policymakers, or that LGBT Americans are 'legitimate participants in the national world'" (p. 261). Federal protections, once passed, are difficult to overturn, making the passage of federal nondiscrimination laws that much more pressing in the face of hostile administrations. With the election of Donald Trump as president and republican control of congress, the legal situation for trans folks has become even more precarious.

There are two executive orders (13087 & 13672), implemented by President Obama, related to federal employment, that explicitly protect gender identity; these orders apply to public employment only, leaving the management of discrimination by private businesses to state governments. Although executive orders have the effect of

law, they can be revoked by future officeholders so protection is predicated on a favorable administration. The Trump administration has expressed its intention to revoke all executive orders issued by President Obama and has espoused rhetoric aimed at delegitimizing the use of executive orders in general, even as Trump has issued several executive orders of his own. Since the legal status of transgender residents is left to individual states to decide, there exists a patchwork of inconsistent and often incoherent laws across the country regarding what trans folks must do to become legally recognized subjects (Sellers, 2014; MAP). Accordingly, because the policy climate depends on the party in power in any given state, trans people living in red states may be seriously disadvantaged by conservative legislators.

#### Limitations of Federal Law

A significant downside to relying on the legal system to provide relief for sex discrimination is the lackluster number of cases that actually result in settlements for those who file charges. The vast majority of charges of employment discrimination based on sex, brought on the grounds of a Title VII violation, are found to have “no reasonable cause” by the EEOC and are thus never given the chance for legal remedy, unless the charging party decides (and has the resources) to privately sue their employer. On average, over the period of 2005-2015, only 11% of charges of sex-based

employment discrimination, filed with the EEOC, ended in settlements for the charging parties; 7% ended with the charge of discrimination being withdrawn by the charging party in exchange for receiving the desired benefits. See appendix for EEOC claim statistics.

As Sellers (2014) points out, nondiscrimination laws are only as effective as the federal agencies tasked with implementing and enforcing them and many of the local ordinances that protect trans folks, in states without state-wide protections, are ineffectual. Of the ordinances in 117 cities and 37 counties Sellers (2014) analyzed, less than half gave the implementing agencies enough authority to actually enforce the policies. Combine these issues with the under-resourced nature of such agencies and the policies become mostly symbolic.

Further, since there are no federal laws specifically protecting gender identity, trans folks who live in states with no state-level legal protections fight even greater odds in procuring a satisfactory outcome for charges of sex discrimination. The outcomes of trials concerning such charges are left to the discretion of the judge hearing a particular case and the prowess of a plaintiff's attorney<sup>7</sup>. Attorneys can bolster their cases by citing case law wherein courts higher up on the hierarchy of authority have ruled in favor of transgender plaintiffs under Title VII, but judges are

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<sup>7</sup> Referring specifically to instances of private individuals suing their employers without the aid of the EEOC.

not required to follow previous court rulings. Additionally, one can assume that officers of the court in a state with no nondiscrimination laws protecting gender identity are more likely to have unfavorable views of transgender people and less likely to accept a Title VII argument since Title VII does not explicitly protect gender identity. In cases such as these, it comes down to where a claimant lives as to whether or not they are likely to find legal relief for the discrimination they have suffered. As such, seeking legal remedy is generally unlikely to succeed until the language of “gender identity and expression” is added to federal antidiscrimination laws.

Many queer legal theorists critique the mainstream LGBT rights movement for concentrating on nondiscrimination and hate crime laws, to the detriment of more direct issues. Spade (2011) lays out the criticism of advocative efforts that focus primarily on the passage of antidiscrimination<sup>8</sup> laws through a discussion of other protected groups, as well as expanding the theoretical scope of issues faced by the trans community. Other marginalized groups, who have achieved legal protections in the past, have not seen their life chances concretely improved, speaking to areas such as “wealth and income disparity, disproportionate unemployment and homelessness, and other harms” (p. 467-468). The narrow foci of such efforts ignore the broader systems of oppression that impact trans people’s lives on a daily basis that cannot be legislated against. Further, turning to the legal system to provide relief treats

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<sup>8</sup> Terminology of antidiscrimination and nondiscrimination is used interchangeably in this thesis.

transphobia as though it is an individual problem rather than a systemic one- punishing a single perpetrator after the fact, rather than preventing discrimination from happening in the first place. It is a punitive rather than preventive “solution.” Moreover, due to disproportionate levels of unemployment, many in the trans community do not have the financial resources or social capital to effectively pursue legal reparations.

### Queer Theory Critique

Using a queer theory lens to explicate Western liberal and neoliberal ideologies, which elevate rights discourse, illuminates the way such ideologies have led to marginalized groups being forced to turn to the state to alleviate the conditions of their suffering. Spade (2009) addresses the limitations of rights discourse regarding the improvement of life chances of transgender people. Spade (2009) argues that pushing for legal rights reifies the system that oppresses the LGBT community: turning to the source of one’s oppression for protection, and providing additional resources for the enforcement of this protection, further entrenches systems of domination. Legislation designed to protect trans people from discrimination is merely symbolic: discrimination goes from overt and explicit to covert and implicit but is not actually resolved by criminalizing discriminatory behavior. Spade (2015) points out that legal

resolutions centered on antidiscrimination and hate crime laws have come to represent the primary focus of nonprofits and advocacy organizations that serve the trans community; however, if we examine other marginalized groups that have been granted legal protections, the efficacy of such legislation becomes suspect. Our legal system, based on a liberal ideology of personal liberty, is punitive rather than preventive or reparative. Anti-discrimination and hate crime laws punish individual actors after the fact; they typically do not prevent discrimination from happening. Furthermore, this framework treats discrimination as an individual issue rather than a systemic one, and thus anti-discrimination and hate crime laws do nothing to dismantle the structural conditions that contribute to discriminatory attitudes or social and economic inequality. Spade (2009) states that a “declaration of equality and fairness papers over the inequalities and disparities that constitute business as usual and allows for them to continue” (p. 361).

On a material level, the legal system in America is largely inaccessible for trans folks as many cannot afford legal representation, due to extensive employment discrimination causing elevated levels of poverty, and navigating our complex legal system alone is not a viable option for most people, trans or otherwise. Further, these laws are narrowly defined and judges exercise such wide discretion that the laws are inconsistently adjudicated. The level of proof required by law is so high that private employment discrimination suits rarely end in judgment for the plaintiff. In a

neoliberal, advanced capitalist society, like that of the United States, libertarian rights discourse and ever dwindling resources, due to budget cuts, privatization of social programs, and the narrowing of social justice movements, make it difficult to imagine an alternative.

#### Inadequacy of Liberal Ideology

Relying on an oppressive system to remedy oppression, through protective legislation, is a manifestation of the neoliberal discourse that permeates Western society. Foucault (1990) describes the productive nature of discursive action, embedded in relations of power, which, in the case of rights, merely re-inscribes such power relations by shifting the focus away from the material needs of the community in question and turning instead to neoliberal solutions on a individual level. Consider the phrase “equal rights movement,” this terminology is in and of itself a liberal concept that reinforces the notion that guaranteeing individual liberty is the solution to inequality and marginalization, without addressing broader institutional influences that create and maintain oppressive systems. The political nature of public discourse regarding trans identity and community illustrates the Western focus on libertarian ideology that advocates for (neo)liberal solutions to systemic issues. In other words, rhetoric around personal responsibility and equal rights addresses individual actors

rather than the social structures that create and perpetuate inequality and oppression. In the U.S., neoliberal political discourse centers on negative rights, focused on securing freedom from government interference, rather than positive rights, such as guarantees of governmental protection (Roberts, 1998). Negative rights do little to help the life chances of systemically disadvantaged populations; in fact, they are more likely to impede social progress. As Roberts (1998) points out:

Liberty is understood as a guarantee of government neutrality, as limited only to tangible harms, and as a negative right. Liberals require the state to remain neutral as to competing conceptions of value and human relationships so that each individual is free to choose her own moral understanding...This notion of liberty rests on the assumption that privileging individual autonomy over social justice is essential to human freedom...This way of thinking separates social justice from the meaning and realization of individual liberty. It operates like blinders that obscure issues of social power...not by ignoring them altogether, but by claiming to achieve individual freedom without the need to rectify social inequalities...The primacy of liberty over equality, then, accepts the possibility that inequality may be inevitable in liberal society. (p. 295, 298)

Liberal ideology cannot, by its very nature, facilitate social and economic equality for marginalized populations. Roberts (1998) argues that the government must instead focus on positive rights in order to equalize inequality and protect human dignity (p. 310). However, Roberts' (1998) view still relies on an inherently coercive institution to remake itself in the name of affirmative liberty. Positive rights in this framework might include nondiscrimination laws, but as shall be pointed out later in this thesis, nondiscrimination laws are unlikely to provide a viable solution.

Crenshaw (1988), speaking specifically to racial oppression, describes the inherent tension in rights discourse grounded in two coexisting conceptions of antidiscrimination law: one that is restrictive, and one that is expansive. Crenshaw (1988) describes the restrictive view of antidiscrimination law as a process that “downplay[s] the significance of actual outcomes. The primary objective of antidiscrimination law, according to this vision, is to prevent future wrongdoing rather than redress present manifestations of past injustice. ‘Wrongdoing,’ moreover, is seen primarily as isolated actions against individuals rather than as a societal process against an entire group” (p. 1342). This interpretation of antidiscrimination law allows systemic oppression to continue because it does nothing to redress unequal conditions that have historically disadvantaged marginalized communities. Contrastingly, an expansive view of antidiscrimination law focuses on results, taking up the “eradication of substantive conditions” that lead to poor socioeconomic outcomes and “enlist[s] the institutional power of the courts to further [this] goal” (p. 1341). An expansive view situates the legal system as a proactive force that seeks to repair decades of unequal treatment, while the restrictive view envisions the legal system as a reactive mechanism called into action only after harm has already occurred. Because both of these conceptions of antidiscrimination law exist simultaneously, it can be challenging to parse which version is being called upon within equal rights rhetoric. Without this distinction, there is potential for the passage or existence of antidiscrimination laws to

create the false belief that equality has been accomplished, leaving the systems that contribute to discriminatory environments in place. Further, the current system perpetuates discrimination by reifying the belief that the marginalization of some groups is justifiable. Crenshaw (1988) states:

The coercive power of the state operates to suppress some groups, particularly when there is consensus among others that such coercion is warranted. Racism serves to single out Blacks as one of those groups 'worthy' of suppression...Black people are boxed in largely because there is consensus among many whites that the oppression of Blacks is legitimate. This is where consensus and coercion can be understood together: ideology convinces one group that the coercive domination of another is legitimate." (p. 1358)

The transgender community can be seen as such a group, one that society has deemed it socially acceptable to disadvantage, suppress, and deride. Echoing much of Spade's scholarship, Crenshaw (1988) and Roberts (1998) illuminate the ways in which movements for justice are constrained by efforts to harness the legal system to equalize the social and economic conditions of marginalized communities. Additionally, legal remedies, in their many forms, including nondiscrimination laws, are often inaccessible and applied inconsistently from state to state. For example, as of 2015, just 21 U.S. states have passed legislation that explicitly lists gender identity as a protected

category<sup>9</sup> and within the laws passed in these 21 states the protection is incomplete as many of these states provide legal protections against employment discrimination but fail to protect trans folks from housing discrimination or discrimination by healthcare providers and medical professionals.

### Collusion Through Normativity

Turning to the state to alleviate the social and economic inequality faced by the LGBT community has even deeper potential consequences than ineffectuality. Puar (2007) contends that depending on the state for recognition of full citizenship, and thus being granted all the rights and legal protections that come with such a designation, leads to collusion with the state. The movement for marriage equality is a timely example of such collusion. Viewing marriage equality through a queer theory lens, we can see that what appears to be a move forward in the movement for LGBT equality is embedded in a larger system of neoliberal ideology that enfolds minority groups into the nation-state in order to harness this supposed acceptance, as a mark of modernity, and to facilitate increased surveillance of previously excluded queer bodies. This marker of modernity is then used to justify violence against non-Western bodies that are seen as backwards and deviant. With the acceptance of “appropriately queer” gay

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<sup>9</sup> See [lgbtmap.org](http://lgbtmap.org)

and lesbian citizens, i.e. those who embrace neoliberal policies and attitudes and who are often part of the mainstream LGBT movement, which has the loudest voice and greatest economic resources, we see the emergence of homonationalism. Puar (2007) defines homonationalism as shorthand for the “homonormative nationalism” that has arisen in post-9/11 society as an attitude of us versus them, us being American citizens and them being any non-Western, non-liberal “others”. Puar (2007) contends that this has led to the rise of a global gay left that exhibits racist attitudes towards non-Western nations on the basis of the degree to which these cultures show acceptance towards LGBT citizens. Puar (2007) is concerned by the selective memory of gay and lesbian citizens who embrace the nation-state that once held them in such low esteem, pointing out that acceptance is always contingent, resting on their ability to conform to the expectations of the state. In other words, the extension of citizenship by the state depends on queer people embodying homonormativity. It is important to note that the mainstream LGBT movement has often left the “T” behind, and the movement for trans equality has its own history. However, Skidmore (2011) points out that in the mid-twentieth century, as transsexual subjecthood was emerging in popular culture, rhetoric she describes as “constructing the good transsexual” colluded with whiteness (p. 284). Notable trans women of the time distanced themselves from supposedly deviant subjects, such as cross-dressers, drag queens, and homosexuals in order to establish their normativity in an effort to facilitate social acceptance. This “transsexual

as acceptable subject position,” enabled by full assimilation into normative culture, echoes Puar’s (2007) contention that citizenship is contingent and extended only to those who are appropriately queer. However, social acceptance can be vital to survival for trans people.

Duggan (2003) discusses the mainstreaming of the LGBT movement due to the move towards homonormativity. As the LGBT movement adopted neoliberal modes of operation, the movement’s platform narrowed, leading to the exclusion of already marginalized queer citizens. Duggan (2003) describes the effects of this shift:

Following the national political culture to the right, and pressed by the exigencies of fundraising for survival, gay civil rights groups have adopted neoliberal rhetoric and corporate decision-making models. No longer representative of a broad-based progressive movement, many of the dominant national lesbian and gay civil rights organizations have become the lobbying, legal, and public relations firms for an increasingly narrow gay, moneyed elite. Consequently, the push for gay marriage and military service has replaced the array of political, cultural, and economic issues that galvanized the national groups as they first emerged from a progressive social movement context several decades earlier. (p. 45)

Reminiscent of Puar’s (2007) conceptualization of homonationalism, Duggan’s (2003) description of what many see as “progress,” might more accurately be described as the watering down of the LGBT movement in favor of respectability politics that insure the inclusion of a narrow section of the LGBT community, to the detriment of community members who are not white, gay men. Gone is the radical impetus that initially drove

the LGBT movement forward, and in its place we find a “demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption” (Duggan, p. 50). The shift away from the radical politics first embraced by the movement for LGBT equality has expressed itself in the mainstreaming of the movement, which excludes and disadvantages those community members who either cannot or will not assimilate into dominant culture. This phenomenon of assimilation and normativity has had major implications for the LGBT movement. Inevitably, efforts towards assimilation lead to issues of respectability politics- the inter-community policing of identity and expression so as to not rock the boat for fear of losing citizenship. When speaking of the trans community, conversations pertaining to assimilation cannot fail to take into account issues of “passing”. One must consider whether or not trans people can assimilate as larger society seems unwilling to accept even those trans people who live normative lives and present their gender in normative ways. Queer theory has worked to critique heteronormativity, and more recently, homonormativity, and in doing so, has frequently taken a stance of anti-normativity, but what impact does an anti-normative stance have for the trans community when assimilation is necessary for survival?

## Normativity as Survival Mechanism

Queer theory's focus on non/anti-normativity may find its limits in trans subjectivity. Assimilation into normative culture could be viewed as a survival mechanism for trans people. In modern neoliberal society, the socioeconomic status of marginalized groups is increasingly unstable. As funding for social programs is reduced and restrictions on public aid tighten, whole minority populations are marked for death through neglect. Giroux's (2006) discussion of necropolitics relates the response to the devastation of hurricane Katrina to governmental indifference. According to Giroux (2006), the U.S. government knew the Gulf Coast was vulnerable and that a natural disaster was eminent, and yet did nothing to prepare for such an event. The woefully inadequate response in the aftermath of Katrina indicates the U.S. government's lack of concern for Black citizens. Giroux (2006) describes this phenomenon as the "new biopolitics of disposability" wherein "the poor, especially people of color, not only have to fend for themselves in the face of life's tragedies but are also supposed to do it without being seen by dominant society. Excommunicated from the sphere of human concern, they have been rendered invisible [and] utterly disposable" (p. 175). The negligible governmental response to the water crisis in Flint, Michigan also fits this mold. Populations that are considered a drain on society, such as those on welfare, the elderly or disabled, and those who are currently or formerly incarcerated, are treated as disposable; one could contend that trans communities are

designated as such in this conception of necropolitics. Accordingly, assimilation into normative culture, which could minimize the employment and housing discrimination many trans people face, and thus prevent them from being viewed as drains on the system, might be understood as a mechanism for mitigating not only governmental neglect, but also hostility. Assimilation and normativity become strategies for survival. This argument supports a shift away from pursuing equal rights under the law and instead focusing resources on improving the material conditions of trans people's lives.

### Embodiment

Prosser (1998) serves as a counterpoint to the predominant narrative of gender as a socially constructed category and as an argument in support of normativity. While Prosser (1998) focuses primarily on transsexuals, the term transgender has come to encompass both trans folks who have had medical or surgical interventions and those who have not, and his conceptualization of trans embodiment is useful in discussing the material reality of trans identity. Prosser (1998) describes the circumstances that lead one to seek sexual reassignment surgery to align the mind and body arguing, "sex reassignment enables assimilation [of trans individuals] into the world of gendered realness" (p. 89). Prosser (1998) sees normalization as desirable, contending that not every trans person wishes to be seen as subversive just because they are trans. It is

important to acknowledge the lived experiences of trans people who have gender dysphoria and do not feel whole until they have transitioned. Prosser (1998) presents those who medically or surgically alter their bodies as evidence that the material reality of the body cannot be ignored in discussions of gender. Further, when examining issues of normalization, we must recognize the unique space occupied by trans folks as assimilation can be a matter of life and death. In addition, many states in the U.S. require a trans person to undergo gender reassignment surgery before the state will legally acknowledge their change of gender. Surgical gender transition is costly, making it an unviable option for many trans people who wish to have surgery. Rather than focusing on passing equal rights legislation, resources might be better spent by, on one hand, advocating for healthcare reform so that those who wish to medically transition may do so, and on the other, lobbying for the abolishment of state-level surgical requirements so that those who do not wish to surgically transition can still have legal standing in their desired gender category.

### Queer Politics

One of the main tenets of queer theory rests on a critique of normativity as a means of denaturalizing taken-for-granted notions of gender and sexuality that have profound implications regarding the structuring of society and the allocation of

resources. Much of this theorizing has argued against essentializing conceptions of sex, gender, sexual identity, and gender identity. Judith Butler may be the most prominent queer scholar to assert the socially constructed character of the aforementioned categories, and in doing so, has caused contention between queer studies and trans studies. If we proclaim that gender is performative, and thus, has no interior origin, as Butler (1993) does, what might that mean for a political movement working to secure the rights of trans people? The implications for the trans community are severe. While some queer scholars critique identity politics, identity politics have nonetheless found some success in establishing rights guaranteed by the state for other marginalized groups. Having a cohesive group identity facilitates political action; Butler recognizes such, and offers “strategic provisionality” as a way to allow for the coalescence of like-minded individuals, with the intention of political action, bypassing the restrictive nature of identity categories that are inflexible and exclusionary (p. 19). Butler (1993) suggests that marginalized groups use the sign of identity in a way that will not foreclose future adaptations of the sign, so that it may continue to be useful in future political struggles. Butler (1993) contends, “identity can become a site of contest and revision” and that as such, rearticulation of identity categories can preserve their political force. Transgender as an identity category is a very recent phenomenon and has yet to settle on rigid boundaries. In an ethnographic account of the evolution of the term transgender, Valentine (2007) argues that “The very flexibility of transgender, its

strength as a tool of political organizing, thus makes it possible to use without specifying who is being invoked in particular instances” thereby mitigating the exclusionary character typically observed in identity politics (p. 39). Valentine (2007) further states, “that transgender can stand both as a description of individual identity and simultaneously as a general term for gendered transgressions of many kinds makes it almost infinitely elastic” (p. 39). It is possible that the flexibility of the identity category could allow transgender communities to use identity politics more successfully in lobbying for legal protections.

### Current Research

While there is no lack of research on the experience of being transgender, there is very little research regarding nondiscrimination laws. Study after study has revealed disproportionate levels of unemployment, poverty, and incarceration among trans Americans and the response from the nonprofit sector has been to call for more legal protections; yet no researchers have attempted to empirically measure the effectiveness of legislative remedies for discrimination. However, studies have examined the impact of nondiscrimination laws on mental health outcomes.

Research exploring the relationship between nondiscrimination laws and mental health outcomes for the LGBT community has yielded mixed results.

Hatzenbuehler, et al. (2010) and Blosnich, et al. (2016) conducted studies analyzing the impact of nondiscrimination laws on the mental health of LGB people and trans veterans, respectively. Through a quantitative analysis of longitudinal data, Hatzenbuehler, et al. (2010) examine the potential relationship between prevalence of psychiatric disorders and whether LGB respondents lived in states with or without same-sex marriage bans on the ballot during the 2004-05 election. They found increased rates of psychiatric disorders and comorbidity among LGB folks who lived in states with proposed same-sex marriage bans when compared with LGB residents of states without proposed bans. Further, they found that “the magnitude of the increases...were consistently greater (for all outcomes) in LGB respondents living in states with constitutional amendments than they were among heterosexuals living in these same states” (Hatzenbuehler, et al., 2010, p. 456). The authors point out that the disorders reported by respondents mirror those that are commonly associated with psychological reactions to the experience of discrimination. In a similar study, Blosnich, et al. (2016) extended Hatzenbuehler, et al. (2010) to transgender veterans. The researchers hypothesized that “transgender veterans living in communities and states with positive sociopolitical climates for LGBT individuals would have a lower prevalence of medically documented mental health diagnoses than would a transgender veteran living in less supportive social environments for LGBT individuals” (p. 535). The authors define positive sociopolitical climates as states with

hate crimes laws and employment nondiscrimination laws that include sexual orientation and gender identity. In contradiction to Hatzenbuehler, et al. (2010), Blosnich, et al. (2016) found that living in states with or without hate crimes laws did not have any statistical impact on the prevalence of mental health diagnoses for trans veterans. However, they did find that trans veterans living in states with employment nondiscrimination laws had lower levels of mood disorders and of self-directed violence than those in states without such protections.

In a study regarding abortion clinics, Pridemore and Freilich (2007) conducted a quantitative analysis to determine the impact of protective legislation on levels of victimization of abortion clinics, staff, and patients. Using data from the 2000 *National Clinic Violence Survey Report*, conducted by the Feminist Majority Foundation (FMF), and reproductive legislation policy data from the NARAL Foundation, Pridemore and Freilich (2007) found almost no correlation between state laws that protect abortion clinics, providers, and patients and reproductive rights and levels of victimization of clinics, staff, or patients. In other words, although one might expect abortion clinics in states with protective legislation to report lower levels of victimization, protective legislation had no deterrent effect on levels of victimization of abortion clinics, staff, or patients. Pridemore and Freilich (2007) plainly assert, “states with laws protective of abortion clinics and of reproductive rights are no more or less likely than other states to have higher or lower levels of victimization against abortion clinics, staff, or

patients” (p.618). Further, the researchers state, “the null cross-sectional effects of general and specific state legislation on abortion clinic and staff victimization were robust across different types of crimes, different operationalizations of crime categories, different levels of analysis, and varying operationalizations of the more pertinent control variable” (p. 620).

## Methodology

### Overview

In line with Pridemore and Freilich’s 2007 research, this study examines the effectiveness of state-level nondiscrimination laws by measuring the potential relationship between state-level policy climate and self-reported discrimination. Using policy data from the Movement Advancement Project (MAP) and survey data from the 2008-09 National Transgender Discrimination Survey (NTDS), conducted by the National Center for Transgender Equality (NCTE), this study conducts Kendall correlations to measure the potential relationship between policies banning discrimination and levels of experienced discrimination. Kendall correlations were conducted for three policy areas: employment, housing, and public accommodations, working within a queer theory framework, to test the hypothesis that no correlation exists between protective legislation and self-reported incidences of discrimination.

Founded in 2003 by transgender activists, NCTE is a non-profit advocacy organization based in Washington D.C. that works to advance transgender rights through public policy and education. They are one of the few social justice organizations specifically dedicated to fighting for trans rights. NCTE provides information and resources to trans folks and allies on a range of topics from correcting gender markers on identity documents to racial and economic justice to immigration. Additionally, NCTE tracks new legislation intended to further marginalize the trans community, such as so-called “bathroom bills” and religious freedom laws.

The Movement Advancement Project is a non-profit, founded in 2006, whose mission is to “provide independent and rigorous research, insight, and analysis that help[s] speed equality for LGBT people.” MAP provides extensive policy information pertaining to legislation that impacts the lives of LGBT people with the goal of influencing policy decisions and media representations as well as informing the public and facilitating effective ally-ship. Further, MAP aims to strengthen the LGBT movement by providing resources and tools to LGBT organizations that will increase their effectiveness and impact.

## Measurement

### Survey Instrument

The National Transgender Discrimination Survey was created to “address the lack of hard data on the scope of anti-transgender discrimination” in the U.S.; until 2015- when NCTE conducted the survey a second time- it was the largest source of data on discrimination against transgender and gender non-conforming individuals to-date. According to NCTE, for the purposes of the 2008-09 NTDS, transgender was defined broadly to include those who have transitioned from one gender to another and those who have not, but whose gender non-conformity is part of their identity. The NTDS instrument was created by a diverse set of activists, scientists, health professionals, lawyers, and leaders from the LGBT movement. The survey contained 69 questions with all but five providing fixed response answer categories, although 11 questions included a space for respondents to fill in their answers under the heading of “other.” The last question in the survey, a write-in response question asking respondents if there was anything else they would like to tell the researchers, generated 200 pages of qualitative data. The questions fall into the following categories: demographic information, gender identity, outness (defined as the degree to which a respondent lives publically in a gender other than the one assigned to them at birth), and discrimination across a variety of settings (employment, education, healthcare, law enforcement, shelters, jail/prison, family life, public accommodations, and housing).

Questions pertaining specifically to discrimination asked respondents if they had experienced certain scenarios that researchers deemed to represent instances of discrimination. For example, when asked the question: “Because you are transgender/gender non-conforming, which of the following experiences have you had at work?” the answer categories are presented in an exhaustive list including options such as “I was forced to present in the wrong gender to keep my job” and “I was removed from direct contact with clients, customers, or patients.” The survey was active for six months, between September 2008 and March 2009 and was disseminated through 800 trans-oriented community organizations and 150 community listserves. Respondents were recruited through convenience sampling, venue-based sampling, and snowball sampling. The survey was available online and over the phone, as well as in paper format. The final sample includes 6, 456 respondents, representing all 50 states in the U.S. as well as D.C., Guam, Puerto Rico, and the U.S. Virgin Islands. The survey data yielded 580 variables that became part of the public use dataset. The original NTDS was designated exempt by The Office for Research Protections at Pennsylvania State University, as such, the university’s IRB supplied the investigators with a letter of exemption. The public use dataset does not include zip codes of participants, which are necessary for the analysis in this study; as such, this study has approval from San Francisco State University’s IRB for use of a revised public-use dataset that includes respondent zip codes but no other identifying information.

For the purposes of this study, to confirm that states with large populations were not overly represented in the NTDS, per capita were calculated by dividing the number of respondents in each state by that state's 2008 population. These calculations show slight concentrations in the west and northeast, but overall, differences in population size did not lead to disproportionate representation of large states within the NTDS dataset<sup>10</sup>. See appendix for a complete list of 2008 state per capita.

#### Survey Variables

Employment discrimination is represented by a variable labeled "adversejob"; this variable is a recode, created by NCTE researchers. It includes responses to question 27, which asked respondents, "Because of being transgender/gender non-conforming, which of the following experiences have you had at work? Please mark each row." This question listed 15 employment-related situations and asked the respondents to choose yes, no, or not applicable. When NCTE researchers recoded answers to this question and created the "adversejob" variable, they included only those respondents who said yes to at least one of the following three employment

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<sup>10</sup> With the exception of three outliers: two states had substantially lower per capita and one state had a substantially higher per capita. See appendix for more information.

situations were included: “I lost my job,” “I did not get a job I applied for because of being transgender or gender non-conforming,” and/or “I was denied a promotion.”

Public accommodations discrimination is represented by a recode, created by NCTE researchers, labeled “q30denied,” which includes only respondents who had attempted to access any of the locations or services listed<sup>11</sup> and had been denied equal treatment. Question 30 of the survey asked, “Based on being transgender/gender non-conforming, please check whether you have experienced any of the following in these public spaces.” Question 30 listed 15 public locations and/or services and provided six answer categories specifying either denial of equal treatment, verbal harassment, or physical assault. Respondents could also choose between three “not applicable” answer categories; respondents who selected “not applicable” for all of the public locations or services listed were recoded as missing data.

Housing discrimination is represented by a recode created for this study, labeled HOUrecode, that includes respondents who, when answering question 22, chose answer categories “I have been evicted” and/or “I was denied a home or apartment.” Question 22 had eight answer categories; however, only the two aforementioned answer categories were included in the variable created for this study

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<sup>11</sup> The services or establishments covered in question 30 are: retail store; hotel or restaurant; bus, train, or taxi; doctor’s office or hospital; emergency room; rape crisis center; domestic violence shelter/program; mental health clinic; drug treatment program; ambulance or EMT; government agency/official; police officer; judge or court official; and legal services clinic.

because they most clearly represent discrimination based on gender identity. Question 22 asked respondents, “Because you are transgender/gender non-conforming, have you experienced any of the following housing situations? Please mark “Not applicable” if you were never in a position to experience such a housing situation. For example, if you have always owned your home as a transgender/gender non-conforming person, you could not have been evicted.” Respondents who chose “not applicable,” were categorized as missing data.

The National Center for Transgender Equality has since conducted a follow-up survey, in 2015, which collected data from around 28,000 transgender and gender nonconforming individuals. The public use dataset has not yet been released to researchers.

### Policy Scoring System

MAP gives a numerical score to every state in the U.S. based on six major policy areas<sup>12</sup> pertaining to LGBT equality. MAP uses a simple formula to calculate state scores, described as the following: “Each positive law counts as a single point (and fractions of a point are assigned to states with positive local laws that do not cover the entire state population or to states that have enacted a portion of a law). A state’s policy

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<sup>12</sup> Under each major policy area there are three to nine subareas.

tally is reduced by a point if the state has a negative law that harms or deliberately targets LGBT people.” For example, a state that criminalizes the transmission of HIV and/or prevents trans residents from correcting their gender markers on state-issued identity documents is given negative one point for each. A state that does not criminalize the transmission of HIV would receive zero points for that subarea and a state that allows trans residents to correct their gender markers on state-issued identity documents would receive one point for that subarea. MAP calculates scores for gender identity and sexual orientation separately, but also lists an aggregate score for each state. At the time this study was conducted, the total available points for gender identity legislation ranged from 16 to -5; however, actual state scores ranged from 14.25/16 to -3.5/16.<sup>13</sup> These scores are a proxy for policy climate.

### Policy Variables

In a multi-step process, using policy data collected by MAP, three variables were created to correlate with the NTDS discrimination variables. The NTDS data was collected in 2008-09; accordingly, variables representing policy climate needed to reflect the legal situation in each state at that time. To accommodate the time new laws

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<sup>13</sup> Due to policy changes in 2017, at the time this thesis was completed, the total available points for gender identity legislation ranged from 18 to -6.25. See LGBTmap.org document titled “Policy Tallies: Frequently Asked Questions” for a full break down.

take to produce concrete effects, this study uses policy data from 2007<sup>14</sup>. A variable was created for each of the three policy areas to indicate whether a state did or did not have a nondiscrimination law in 2007; a state that had a nondiscrimination law was given a value of one, while a state without a law was given a value of zero. States with local ordinances were given a value of zero, as the object of analysis in this study is state-level nondiscrimination laws and local ordinances are not state-wide laws. A second variable was created that linked each state in the NTDS dataset to its 2016 MAP score for gender identity. These two variables were then added together to produce a variable for each policy area reflecting the existence or absence of a nondiscrimination law, with the 2016 MAP score acting as a scalar. A scalar was necessary because this study uses a simple scoring technique- one point for the existence of a law, zero points for the absence of a law- that produces multiple ties. Furthermore, to measure Kendall rank correlations, variables must be ordinal; adding each state's 2016 MAP score for gender identity to its score for the existence or absence of a nondiscrimination law produces an ordinal variable.

Note that this study uses scores calculated in 2016. Laws pertaining to the LGBT community change frequently as states move legislation through local governments that either increase or decrease legal protections for LGBT residents. At the time this study was conducted, Tennessee and Georgia were the lowest ranked states for gender

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<sup>14</sup> Data on the year of passage for nondiscrimination laws provided by MAP.

identity, with scores of -3.5. As of May 2017, Georgia's score has decreased to -4.5. California, the highest ranked state in the country, now shares first place with Washington D.C., with both state's scores having increased to 16 in 2017. These scores will continue to change over time. For the purposes of this study, each of the aforementioned states had the following scores: Tennessee = -3.5, Georgia = -3.5, California = 14.25, Washington D.C. = 13. See appendix for a complete list of 2016 MAP scores for each policy area.

### Analysis

The three discrimination variables, created from the NTDS, each have only two values, 1 for "yes" and 0 for "no", producing many numerical ties between states; as such, the Kendall correlation was chosen for its ability to handle ties.

The Kendall correlation coefficient ranges from -1 to 1, the closer to 1, positive or negative, the stronger the correlation. If nondiscrimination laws had a deterrent effect on discrimination, the correlation coefficient would be closer to -1, indicating that as nondiscrimination laws increase- for example, more laws are passed or more resources are devoted to enforcement - levels of self-reported discrimination would decrease. However unintuitive, if nondiscrimination laws led to an increase in levels of self-

reported discrimination, the correlation coefficient would be closer to 1. If there is only weak correlation, the coefficient will be closer to 0.

Kendall correlations were conducted on three sets of variables, outlined above, with each discrimination variable, created from the NTDS, correlated with its corresponding policy variable, created using MAP policy data. Each set represents one of three key public policy areas: employment, housing, and public accommodations.

## Results

If nondiscrimination laws were effective, one could reasonably expect the most heavily protected state in the nation to have the lowest, per capita, self-reported incidences of discrimination, and vice-versa. This would produce a moderate, negative correlation. The correlation coefficients obtained by comparing self-reported incidences of employment, housing, and public accommodations discrimination with the corresponding policy variable are as follows: -.017, .033, and .019, respectively. Kendall correlation results show almost no correlation between policy climate, represented by the existence or absence of state-level nondiscrimination laws, and levels of self-reported discrimination. Another way to conceptualize these results is that trans folks in Georgia, the state with the most unfavorable policy climate in the

country, show (on average) similar self-reports of discrimination as trans folks in California, the state with the most supportive policy climate in the country.

## Discussion

### Implications for Advocacy Organizations

According to MAP's 2015 National LGBT Movement Report, LGBT nonprofits saw a decrease in revenue for the first time since the 2007-2008 recession. Although the aggregate decrease for the 30+ participating organizations was slight, -0.4%, the average decrease of those organizations claiming a loss was a staggering 20%. At the same time, the report indicates an increase in expenses. Thus, 2014 was the first time in five years that aggregate expenses exceeded revenue for the participating organizations, leaving them in a deficit of -0.386 million dollars: consider that the previous year, revenue surpassed expenses by \$6.2 million. Although individual donations increased between 2012-2014, it was not enough to offset the decrease in foundation and corporate contributions. Additionally, the report points out that, with the passage of marriage equality, many LGBT nonprofits are now repositioning themselves by expanding their missions. Now is a crucial time for these organizations to reassess operations to ensure that resources are being allocated to maximize effectiveness and efficiency. If, as this study reveals, nondiscrimination laws do not act

as a deterrent, if their existence does not produce a measurable decrease in the amount of discrimination trans people experience, advocating for the passage of new nondiscrimination laws may not be the most effective use of limited resources. Now may be the time to emulate our international peers, many of whom have taken great strides towards acceptance and equality for transgender people.

### Global Progress

Illustrating the administrative changes Spade calls for, many countries outside the U.S have made significant progress in instituting supportive laws that not only protect and depathologize trans people, but also facilitate full citizenship for trans communities. A handful of countries even go so far as to offer a third gender designation for people who feel more comfortable marking a gender designation other than female or male.

Argentina's Gender Identity Act of 2012 is the most comprehensive pro-trans legislation passed to date, globally. This act provides a simplified process for trans Argentinians to change their gender designations on legal documents without any verifying criteria or requirements, such as surgical intervention or psychiatric evaluation. Further, the act specifies that trans people's identities be respected and unhindered and that should they choose to seek gender affirmative surgeries, they be

able to do so with government-sponsored health insurance providing coverage for such services. Article 11 of the law (*Right to free personal development*) states:

All persons older than eighteen (18) years, according to Article 1 of the current law and with the aim of ensuring the holistic enjoyment of their health, will be able to access total and partial surgical interventions and/or comprehensive hormonal treatments to adjust their bodies, including their genitalia, to their self-perceived gender identity, without requiring any judicial or administrative authorization. There will be no need to prove the will to have total or partial reassignment surgery in order to access comprehensive hormonal treatment. The only requirement will be, in both cases, informed consent by the individual concerned. (GATE, p. 3)

The Argentinian government sees recognition of gender identity as a human right. For a trans person to change their gender designation, all they must do is ask.

In 2014, Denmark was the first European country to implement self-determination for trans people. Denmark's Gender Recognition Law also simplifies their gender designation amendment protocol by employing a system that updates the gender on trans Danes' passports, driving licenses, and birth certificates all at once. There are no requirements other than to complete the administrative process specified in the new law. The downside is that there is a six-month waiting period between completing the administrative process and receiving new identity documents.

Malta passed a similarly pro-trans bill called the Gender Identity, Gender Expression and Sex Characteristics Act (GIGESC) in 2015. This act allows trans citizens

to change their gender designations through a simplified process that requires only self-attestation. The law states:

The GIGESC Bill recognizes the right of each person to their gender identity and the free development thereof. The envisioned legal gender recognition procedure fulfills (sic) the Council of Europe standards of “quick, transparent and accessible” gender recognition procedures, based on self-determination...The introduced procedure before a notary requires a simple declaration based on a person’s self-determination and prohibits requests for medical information. The entire process lasts a maximum of 30 days. It thus delivers a key task of gender recognition that is to quickly enable the individual to pursue their live (sic) without further interference. (tgeu.org)

Further, this act bans normalizing surgeries for infants born with ambiguous genitalia due to an intersex condition as well as allowing parents to wait on signifying the infant’s gender on birth certificates until the child is old enough to determine the gender identity.

Some countries are implementing a process whereby trans citizens can change their gender designations by submitting statutory declarations, equivalent to a notarized document in the U.S., to bodies that provide legal identity documents in lieu of having to go through the medical community. In 2015, Ireland passed a gender identity law that allows trans people to change their gender designations through self-attestation. According to Transgender Europe (TGEU), an international advocacy organization, Ireland is the third European country to pass legislation allowing trans

people to self-attest their gender identities. New Zealand also has a fairly pro-trans stance on legal recognition of gender identity<sup>15</sup>. Trans New Zealanders have the option to select F, M, or X on their passports and are not required to provide documentation of their gender identity; they need only submit a statutory declaration, self-attested, stating that they would like to change their gender designation. Additionally, Norway<sup>16</sup> and Sweden<sup>17</sup> are currently considering legislation that gives trans people the right to self-attest their gender identities.

There are multiple countries that allow their citizens to select gender designations other than F or M, such as X or O. In 2015 India's Supreme Court created a "third gender" status for transgender people, granting the group formal recognition for the first time (Terrence, 2014). This ruling not only abolished the binary gender system in India, creating a protected third gender that covers not only transgender people, but also those who are intersex and eunuchs (who have neither male nor female anatomy), often collectively called "hijra." The change allows them to identify their gender as 'hijra' on all government documents, including passports. Germany introduced an amendment to Law on Civil Status 22(3) PStG in 2013 stating that: "if the child can be assigned to neither the female nor the male sex, then the child has to be

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<sup>15</sup> See the New Zealand government website: <https://www.passports.govt.nz/transgender-applicants> as well as community resource found here: <http://www.wclc.org.nz/wp-content/uploads/How-to-change-your-name-and-gender-under-New-Zealand-law.pdf>.

<sup>16</sup> See press release from Amnesty International: <https://www.amnesty.org/en/press-releases/2016/03/norway-historic-breakthrough-for-transgender-rights/>.

<sup>17</sup> See TGEU: <http://tgeu.org/sweden-gender-recognition-act-reformed-2012/>.

entered into the register of births without such a specification” (“Germany Adds Third Gender”). There is considerable disagreement regarding whether or not this designation is mandatory for babies born with ambiguous genitalia; news outlets report that it is optional while intersex advocacy groups assert that it is a mandatory designation. It has been reported that once intersex children reach an age where they can decide for themselves, they may choose to keep the “indeterminate” categorization, or they can choose to mark an “X” rather than F or M. The progressive legislation also creates space for those who would prefer to remain outside a gender binary altogether. As mentioned above, New Zealand provides a third gender option, as does Australia (“Intersex’ included”).

On December 27, 2007, the Supreme Court of Nepal issued a decision that has been called “arguably the single most comprehensive judgment affirming protections for gender identity anywhere in the world.” The court found overwhelmingly in favor of the petitioners, a group of local lesbian, gay, bisexual, transgender and intersex (LGBTI) rights NGOs led by Sunil Babu Pant, president of the Blue Diamond Society, a sexual health and human rights organization founded in 2001. In addition to mandating that the government repeal all laws that discriminated based on sexual orientation or gender identity and establish a committee to study same-sex marriage policy, the court took the unique approach of establishing a third gender category. In legal terms, the third gender in Nepal — denoted on official documents as “other” — is

an identity-based category for people who do not identify as either male or female; this may include people who present or perform as a gender that is different than the one assigned to them at birth. It can also include people who do not feel the male or female gender roles dictated by their culture match their true social, sexual, or gender identity (“Decision of Supreme Court”).

In the United States, there are several examples of nonbinary gender designations already in practice. New York City’s municipal IDs offer a third gender designation of “not specified” and trans New Yorkers are able to self-attest their gender identity, rather than having to provide confirmation from a medical professional. Additionally, the University of Vermont allows students to choose a third gender option on their student IDs. In June of 2017, Washington D.C. became the first state in the U.S. to offer a nonbinary gender designation on state issued drivers licenses, allowing residents to choose “X” instead of “F” for female or “M” for male. Some advocates desire legal identification systems to move away from categorizing people by gender altogether. In San Francisco, municipal IDs do not record or display gender designations. On the federal level, the United States would do well to follow the examples being set on the global stage that reflect a growing acceptance of transgender people around the world.

## Conclusion

### Implications

The implications of this research study are plentiful. In a neoliberal society that is constantly cutting funding to social programs, nonprofits and advocacy organizations that support the trans community run on very limited budgets. As such, they must spend their resources efficiently. This study finds that the presence of state-level protective legislation does not correlate with decreased levels of discrimination, which supports a move away from spending resources on advocating for nondiscrimination laws and addressing other issues faced by the trans community instead; such as the administrative issues described by Spade (2009, 2011, 2015). Many queer and trans theorists contend that legal protections in the form of nondiscrimination and hate crime laws do not improve the life chances of trans people in U.S. This study provides empirical evidence that supports this contention. However, the results of this study cannot tell us why state-level protective legislation is ineffective. Next steps might include working to uncover other variables that help to explain why legal protections do not positively impact the life chances of trans people. Future researchers might consider looking into a state with strong legal protections, such as California or New York, and consider why such policies are inadequate in addressing the needs of the trans community. For example, in states with employment

nondiscrimination policies, future researchers could gather information on the number of gender identity discrimination cases filed with the Equal Employment Opportunity Commission (EEOC) to see if there is a lack of reporting, rendering such laws ineffectual. Once the public use dataset for the 2015 NTDS is made available, researchers could replicate this study with more timely data to see if the substantial increase in the visibility of the trans community in the last five years has contributed to different results.

#### Limitations

While it is important to allow trans people to voice their own experiences and to listen to how trans people understand their interactions with the world, this study relies on self-reporting of the NTDS respondents, which is a subjective measure. As stated in Pridemore and Freilich (2007), victimization data, which the NTDS should be considered, have not been subjected to validation procedures and very few studies have used this type of data to measure public policy outcomes (p. 620-621). This study attempts to ground the survey material by including only variables and responses that are clear examples of gender identity-based discrimination. As mentioned above, this study does not speak to why the presence of state-level nondiscrimination laws do not mitigate discrimination, nor does it consider potentially mediating variables, since very

little correlation was found. In 2007, few states had nondiscrimination laws protecting transgender residents, but in recent years, more states have implemented protective legislation; to confirm the veracity of this study's methodology, future researchers should conduct Kendall correlations with contemporary policy data. Further, this study examines state-level protections, because no federal protections exist for trans citizens, so it cannot speak to the effectiveness of legal protections at the federal level. However, as discussed in various places throughout this study, categorical protections guaranteed by the federal Civil Rights Act of 1964 have yet to achieve formal equality for other marginalized groups in 2017; accordingly, it is logical to extrapolate a similar outcome if gender identity and expression were added to the Civil Rights Act.

### Changing direction

There are two fundamentally contradictory and deleterious bureaucratic hurdles transgender people face in the absence of nondiscrimination protections. Until very recently, many if not most health insurers denied coverage for transition-related care, while at the same time, local governments in the majority of U.S. states require surgical sex reassignment for trans citizens to have their gender markers amended to reflect their "new" gender on identity documents. Paying for transition out-of-pocket is far beyond the means of most trans folks, due in part to high levels of

unemployment and poverty stemming from discrimination and bigotry. In 2016, state governments are dictating the genital arrangement of trans residents, forcing them to have surgeries they may not want in order to be legally recognized citizens with appropriate documentation. Secondly, with a disproportionately high unemployment rate, due to extreme levels of discrimination in employment practices, trans people often turn to the street economy to survive, leading to increased interaction with law enforcement, which in turn, increases the chance of arrest. In other words, trans people find themselves in an unending loop whereby, because they are denied socially legitimate employment, they are “disproportionately represented among those who earn money through prostitution, selling illegal drugs, and other unlawful trades,” that is to say, stigmatized trades that result in disproportionate incarceration (Bell, 2016, p. 186).

Spade (2009, 2015) argues for shifting the focus of trans advocacy groups away from equal rights legislation and towards legal reform, primarily of the administrative nature. Streamlining the administrative systems trans people are forced to navigate would have a more concrete effect on the life chances of trans people. State-level laws pertaining to amendments of gender markers on identity documents vary by state, as do surgical requirements for legal acknowledgement of gender change. Some states require a trans person to have sexual reassignment surgery before they can change their gender markers while at the same time, these states have blanket exclusions for

trans-related healthcare in their Medicaid programs and no legal protections against employment discrimination, rendering paying for sexual reassignment surgery out of pocket nearly impossible. If a trans person lives in a state with surgical requirements and cannot access surgery, they will be unable to update their state identification documents; however, federal law allows the amendment of gender markers on passports and social security documentation without surgery, making some trans folks legal impossibilities with mismatching documents, increasing their vulnerability (Spade, 2009, p. 368).

Many community events rally around the concepts of “no woman left behind” and solidarity through sisterhood; however, if the trans movement goes the way of the mainstream LGBT movement, a significant portion of the community will be left behind, specifically nonbinary trans folks. If current cultural representations are any indication, the trans movement is in peril of following this path. Indeed, popular representations of the trans community, seen in Laverne Cox, Carmen Carrera, Janet Mock, and Caitlin Jenner, elevate normatively gendered subjects. There is very little representation of non-binary gender identities in popular culture, and trans men are almost invisible. It would appear that acceptance of the trans community is just as contingent upon assimilation and normalization as it is for the gay and lesbian community. Alternatively, assimilation and normalization have enabled trans people to protect themselves from a world that is not only unsympathetic but also seeks to do

them harm. A movement focused on improving the life chances of people who are transgender will have to grapple with these issues of assimilation, normalization, collusion with institutions of power, and the limitations of liberalism/neoliberalism.

It is important to note that many of the actions taken by the Obama administration to further trans equality, mentioned earlier in this paper, have been undone by the Trump administration. In July, Trump tweeted that transgender Americans would no longer be allowed to serve in the U.S. military. The same month, the DOJ submitted an amicus brief stating that Title VII of the Civil Rights Act does not cover sexual orientation, which indicates a change in direction away from viewing “sex” under Title VII as including sexual orientation and gender identity, as the previous administration had asserted. Further, HHS regulations barring discrimination against transgender folks in healthcare are in jeopardy due to a lawsuit, brought in August 2016 by eight states<sup>18</sup> and three religious medical groups, contesting Section 1557, which states that “individuals are protected from discrimination in health care on the basis of race, color, national origin, age, disability and sex, including discrimination based on pregnancy, gender identity and sex stereotyping” (Department of Health and Human Services). The DOE has also recently rescinded guidance that interpreted Title XI to include protections for transgender students in educational settings. The trans community is under attack, on many fronts, by the

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<sup>18</sup> The following states are party to this lawsuit: Arizona, Kentucky, Kansas, Louisiana, Mississippi, Nebraska, Texas, and Wisconsin.

current administration<sup>19</sup>. Advocates cannot rely on the current government to increase or implement legal protections for trans folks, and while this study indicates that state-level nondiscrimination laws may not be very impactful, the best course of action may be to focus on administrative changes to state policies that will have an immediate positive impact on trans residents, such as streamlining name and gender marker change procedures. A grassroots approach is more likely to find success under such politically constrained conditions. As Crenshaw (1988) so astutely observes, “In antidiscrimination law, the conflicting interests actually reinforce existing social arrangements, moderated to the extent necessary to balance the civil rights challenge with the many interests still privileged over it” (1348).

This is not a zero-sum argument. I am not suggesting that we abandon efforts to procure legal protections for transgender people, but that we reassess our efforts to ensure balance between seeking legal remedies and establishing methods of prevention, that we put in place programs that will prevent discrimination rather than waiting for it to happen to provide relief. Faithful (2010) recommends transformative gender law, that we shift the system to focus on justice rather than equality; such a system would consider the broad and intersectional disadvantages faced by marginalized communities. A just legal regime is one that “presumes difference, considers context, and responds to fairness” (Faithful, 2010, p. 469).

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<sup>19</sup> For a chronology of anti-trans actions taken by the 45<sup>th</sup> administration, see [transequality.org](http://transequality.org).

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## 2008 Per Capita Calculations

Region and State	2008 Population (millions)	Number of NTDS Respondents	% of Population that is Transgender
<b>WEST</b>			
AK	690,000	27	0.004
AZ	6.5	119	0.002
CA	36.8	906	0.002
CO	5	154	0.003
HI	1.3	22	0.002
ID	1.5	23	0.002
MT	970,000	15	0.002
NV	2.6	40	0.002
NM	2	54	0.003
OR	3.8	187	0.005
UT	2.7	30	0.001
WA	6.6	348	0.005
WY	530,000	17	0.003
<b>MIDWEST</b>			
IA	3	43	0.001
IL	12.9	233	0.002
IN	6.4	88	0.001
KS	2.8	46	0.002
MI	10	175	0.002
MN	5.2	157	0.003
MO	5.9	128	0.002
ND	640,000	15	0.002
NE	1.8	42	0.002
OH	11.5	194	0.002
SD	800,000	18	0.002
WI	5.6	153	0.003
<b>SOUTH</b>			
AL	4.7	42	0.001
AR	2.9	45	0.002
FL	18.3	232	0.001
GA	9.7	167	0.002
KY	4.3	31	0.0007
LA	4.4	42	0.001
MS	2.9	14	0.0005

MD	5.9	128	0.002
NC	9.2	121	0.001
OK	3.6	43	0.001
SC	4.5	44	0.001
TN	6.2	73	0.001
TX	24.3	266	0.001
VA	7.8	171	0.002
WV	1.8	22	0.001
<b>NORTHEAST</b>			
DE	870,000	8	0.001
CT	3.5	88	0.003
ME	1.3	47	0.004
MA	6.5	283	0.004
NH	1.3	44	0.003
NJ	8.7	125	0.001
NY	19.5	531	0.003
PA	12.5	259	0.002
RI	1	35	0.004
VT	620,000	43	0.007
D.C.	590,000	66	0.011

## Scalar State Scores- Housing

Region and State	2016 MAP Score (gender identity only)	Housing Nondiscrimination Score (2007)	Scalar Score
<b>WEST</b>			
AK	0.75	0	0.75
AZ	-1.75	0	-1.75
CA	14.25	1	15.25
CO	9.25	0	9.25
HI	5.5	1	6.5
ID	-0.5	0	-0.5
MT	-2.5	0	-2.5
NV	6.75	0	6.75
NM	4.5	1	5.5
OR	12.25	1	13.25
UT	2	0	2
WA	12.5	1	13.5
WY	-1.5	0	-1.5
<b>MIDWEST</b>			
IA	2.5	1	3.5
IL	9.25	1	10.25
IN	0.25	0	0.25
KS	-0.25	0	-0.25
MI	0.5	0	0.5
MN	9.25	1	10.25
MO	-2.75	0	-2.75
ND	-1.75	0	-1.75
NE	-1.75	0	-1.75
OH	0.25	0	0.25
SD	-0.5	0	-0.5
WI	-0.75	0	-0.75
<b>SOUTH</b>			
AL	-2.5	0	-2.5
AR	-1.5	0	-1.5
FL	1.25	0	1.25

GA	-3.5	0	-3.5
KY	-1.25	0	-1.25
LA	-2.5	0	-2.5
MS	0	0	0
MD	8	0	8
NC	-1.75	0	-1.75
OK	-2.5	0	-2.5
SC	-1.5	0	-1.5
TN	-3.5	0	-3.5
TX	-0.75	0	-0.75
VA	-0.25	0	-0.25
WV	0	0	0
<b>NORTHEAST</b>			
DE	6	0	6
CT	11.25	0	11.25
ME	6	1	7
MA	9	0	9
NH	1.25	0	1.25
NJ	8.5	1	9.5
NY	8.25	0	8.25
PA	0.25	0	0.25
RI	12.5	1	13.5
VT	12.75	1	13.75
D.C.	13	0	13

### Scalar State Scores- Employment

Region and State	2016 MAP Score (gender identity only)	Employment Nondiscrimination Score (2007)	Scalar Score
<b>WEST</b>			
AK	0.75	0	0.75
AZ	-1.75	0	-1.75
CA	14.25	I	15.25
CO	9.25	I	10.25
HI	5.5	0	5.5
ID	-0.5	0	-0.5
MT	-2.5	0	-2.5
NV	6.75	0	6.75
NM	4.5	I	5.5
OR	12.25	I	13.25
UT	2	0	2
WA	12.5	I	13.5
WY	-1.5	0	-1.5
<b>MIDWEST</b>			
IA	2.5	I	3.5
IL	9.25	I	10.25
IN	0.25	0	0.25
KS	-0.25	0	-0.25
MI	0.5	0	0.5
MN	9.25	I	10.25
MO	-2.75	0	-2.75
ND	-1.75	0	-1.75
NE	-1.75	0	-1.75
OH	0.25	0	0.25
SD	-0.5	0	-0.5
WI	-0.75	0	-0.75
<b>SOUTH</b>			
AL	-2.5	0	-2.5
AR	-1.5	0	-1.5
FL	1.25	0	1.25

GA	-3.5	0	-3.5
KY	-1.25	0	-1.25
LA	-2.5	0	-2.5
MS	0	0	0
MD	8	0	8
NC	-1.75	0	-1.75
OK	-2.5	0	-2.5
SC	-1.5	0	-1.5
TN	-3.5	0	-3.5
TX	-0.75	0	-0.75
VA	-0.25	0	-0.25
WV	0	0	0
<b>NORTHEAST</b>			
DE	6	0	6
CT	11.25	0	11.25
ME	6	1	7
MA	9	0	9
NH	1.25	0	1.25
NJ	8.5	1	9.5
NY	8.25	0	8.25
PA	0.25	0	0.25
RI	12.5	1	13.5
VT	12.75	1	13.75
D.C.	13	1	14

### Scalar State Scores- Public Accommodations

Region and State	2016 MAP Score (gender identity only)	Public Accommodations Nondiscrimination Score (2007)	Scalar Score
<b>WEST</b>			
AK	0.75	0	0.75
AZ	-1.75	0	-1.75
CA	14.25	0	14.25
CO	9.25	0	9.25
HI	5.5	1	6.5
ID	-0.5	0	-0.5
MT	-2.5	0	-2.5
NV	6.75	0	6.75
NM	4.5	1	5.5
OR	12.25	1	13.25
UT	2	0	2
WA	12.5	1	13.5
WY	-1.5	0	-1.5
<b>MIDWEST</b>			
IA	2.5	1	3.5
IL	9.25	1	10.25
IN	0.25	0	0.25
KS	-0.25	0	-0.25
MI	0.5	0	0.5
MN	9.25	1	10.25
MO	-2.75	0	-2.75
ND	-1.75	0	-1.75
NE	-1.75	0	-1.75
OH	0.25	0	0.25
SD	-0.5	0	-0.5
WI	-0.75	0	-0.75
<b>SOUTH</b>			
AL	-2.5	0	-2.5
AR	-1.5	0	-1.5
FL	1.25	0	1.25
GA	-3.5	0	-3.5

KY	-1.25	0	-1.25
LA	-2.5	0	-2.5
MS	0	0	0
MD	8	0	8
NC	-1.75	0	-1.75
OK	-2.5	0	-2.5
SC	-1.5	0	-1.5
TN	-3.5	0	-3.5
TX	-0.75	0	-0.75
VA	-0.25	0	-0.25
WV	0	0	0
<b>NORTHEAST</b>		0	
DE	6	0	6
CT	11.25	0	11.25
ME	6	1	7
MA	9	0	9
NH	1.25	0	1.25
NJ	8.5	1	9.5
NY	8.25	0	8.25
PA	0.25	0	0.25
RI	12.5	1	13.5
VT	12.75	1	13.75
D.C.	13	0	13

## EEOC Claim Statistics 1997-2015

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>Receipts</b>	24,728	24,454	23,907	25,194	25,140	25,536	24,362	24,249	23,094	23,247	24,826	28,372	28,028	29,029	28,534	30,356	27,687	26,027	26,39
<b>Resolutions</b>	32,836	31,818	30,643	29,631	28,602	29,088	27,146	26,598	23,743	23,364	21,982	24,018	26,618	30,914	32,789	32,149	28,605	26,002	27,04
<b>Resolutions By Type</b>																			
<b>Settlements</b>	1,355	1,460	1,988	2,644	2,404	2,720	2,877	3,008	2,601	2,828	2,900	2,842	2,748	3,138	3,200	3,073	2,696	2,342	2,45
	4.1%	4.6%	6.5%	8.9%	8.4%	9.4%	10.6%	11.3%	11.0%	12.1%	13.2%	11.8%	10.3%	10.2%	9.8%	9.6%	9.4%	9.0%	9.1%
<b>Withdrawals w/Benefits</b>	1,205	1,148	1,269	1,332	1,321	1,304	1,329	1,347	1,418	1,460	1,443	1,646	1,701	1,774	1,780	1,768	1,708	1,672	1,77
	3.7%	3.6%	4.1%	4.5%	4.6%	4.5%	4.9%	5.1%	6.0%	6.2%	6.6%	6.9%	6.4%	5.7%	5.4%	5.5%	6.0%	6.4%	6.6%
<b>Administrative Closures</b>	11,127	10,056	8,747	6,897	6,391	5,819	5,484	5,052	4,188	4,409	4,304	4,563	5,701	5,727	5,728	5,433	5,124	4,805	5,01
	33.9%	31.6%	28.5%	23.3%	22.3%	20.0%	20.2%	19.0%	17.6%	18.9%	19.6%	19.0%	21.4%	18.5%	17.5%	16.9%	17.9%	18.5%	18.5%
<b>No Reasonable Cause</b>	17,832	17,493	16,689	15,980	15,654	16,752	15,506	15,481	13,853	13,191	12,036	13,670	15,139	18,709	20,660	20,454	17,936	16,280	16,79
	54.3%	55.0%	54.5%	53.9%	54.7%	57.6%	57.1%	58.2%	58.3%	56.5%	54.8%	56.9%	56.9%	60.5%	63.0%	63.6%	62.7%	62.6%	62.1%
<b>Reasonable Cause</b>	1,317	1,661	1,950	2,778	2,832	2,493	1,950	1,710	1,683	1,476	1,299	1,297	1,329	1,566	1,421	1,421	1,141	903	1,00
	4.0%	5.2%	6.4%	9.4%	9.9%	8.6%	7.2%	6.4%	7.1%	6.3%	5.9%	5.4%	5.0%	5.1%	4.3%	4.4%	4.0%	3.5%	3.7%
<b>Successful Conciliations</b>	332	454	535	707	739	686	520	491	454	437	439	382	407	475	510	500	459	351	37
	1.0%	1.4%	1.7%	2.4%	2.6%	2.4%	1.9%	1.8%	1.9%	1.9%	2.0%	1.6%	1.5%	1.5%	1.6%	1.6%	1.6%	1.3%	1.4%
<b>Unsuccessful Conciliations</b>	985	1,207	1,415	2,071	2,093	1,807	1,430	1,219	1,229	1,039	860	915	922	1,091	911	921	682	552	63
	3.0%	3.8%	4.6%	7.0%	7.3%	6.2%	5.3%	4.6%	5.2%	4.4%	3.9%	3.8%	3.5%	3.5%	2.8%	2.9%	2.4%	2.1%	2.4%
<b>Merit Resolutions</b>	3,877	4,269	5,207	6,754	6,557	6,517	6,156	6,065	5,702	5,764	5,642	5,785	5,778	6,478	6,401	6,262	5,545	4,917	5,24
	11.8%	13.4%	17.0%	22.8%	22.9%	22.4%	22.7%	22.8%	24.0%	24.7%	25.7%	24.1%	21.7%	21.0%	19.5%	19.5%	19.4%	18.9%	19.4%
<b>Monetary Benefits (Millions)*</b>	\$72.5	\$58.7	\$81.7	\$109.0	\$94.4	\$94.7	\$98.4	\$100.8	\$91.3	\$99.1	\$135.4	\$109.3	\$121.5	\$129.3	\$145.7	\$138.7	\$126.8	\$106.5	\$130.

## History of Federal Nondiscrimination Legislation

Year	Congress	Number	Sponsor	Name	Sexual Orientation	Gender Identity	Public Accommodations	Public Facilities	Public Education	All Federally Funded Programs	Employment	Housing
1974	93	HR 14752	Bella Abzug	Equality Act	•		•	•	•	•	•	•
1974	93	HR 15692	Bella Abzug	Equality Act	•		•	•	•	•	•	•
1974	93	HR 16200	Robert Nix	Equality Act	•		•	•	•	•	•	•
1975	94	HR 166	Bella Abzug	Civil Rights Amendments	•		•	•	•	•	•	•
1975	94	HR 2867	Donald Fraser	A bill to prohibit discrimination on the basis of sex, marital status, affectional or sexual preference.	•		•	•	•	•	•	•
1975	94	HR 5452	Bella Abzug	Civil Rights Amendments	•		•	•	•	•	•	•
1975	94	HR 10389	Richard Ottinger	Civil Rights Amendments	•		•	•	•	•	•	•
1975	94	HR 13019	Phillip Burton	Civil Rights Amendments	•		•	•	•	•	•	•
1975	94	HR 13928	Bella Abzug	Civil Rights Amendments	•		•	•	•	•	•	•
1977	95	HR 451	Edward Koch	Civil Rights Amendments	•		•	•	•	•	•	•
1977	95	HR 2998	Edward Koch	Civil Rights Amendments	•		•	•	•	•	•	•
1977	95	HR 4794	Edward Koch	Civil Rights Amendments	•		•	•	•	•	•	•
1977	95	HR 5239	Phillip Burton	Civil Rights Amendments	•		•	•	•	•	•	•
1977	95	HR 7775	Edward Koch	Civil Rights Amendments Act	•		•	•	•	•	•	•
1977	95	HR 8268	Edward Koch	Civil Rights Amendments Act	•		•	•	•	•	•	•
1977	95	HR 8269	Edward Koch	Civil Rights Amendments Act	•		•	•	•	•	•	•
1978	95	HR 10575	Don Edwards	Civil Rights Amendments	•		•	•	•	•	•	•
1978	95	HR 12149	William Green	Civil Rights Amendments	•		•	•	•	•	•	•
1979	96	HR 2074	Ted Weiss	Civil Rights Amendments Act	•		•	•	•	•	•	•
1979	96	S 2081	Paul Tsongas	A bill to prohibit employment discrimination on the basis of sexual orientation.	•						•	
1981	97	HR 1454	Ted Weiss	Civil Rights Amendments Act	•		•	•	•	•	•	•
1981	97	HR 3371	Phillip Burton	Civil Rights Amendments Act	•		•	•	•	•	•	•
1981	97	S 1708	Paul Tsongas	A bill to prohibit discrimination on the basis of sexual orientation.	•						•	
1983	98	HR 427	Ted Weiss	Civil Rights Amendments Act	•		•	•	•	•	•	•
1983	98	HR 2624	Ted Weiss	Civil Rights Amendments Act	•		•	•	•	•	•	•





## History of Federal Nondiscrimination Legislation

Year	Congress	Number	Sponsor	Name	Sexual Orientation	Gender Identity	Public Accommodations	Public Facilities	Public Education	All Federally Funded Programs	Employment	Housing	Credit	Jury	Armed Forces	Some or All Federal Employment	Certain Federally Funded Programs	Other
2007	110	HR 1246	Martin Meenan	Military Readiness Enhancement Act	⊙										⊙			
2007	110	HR 2015	Barney Frank	Employment Non-Discrimination Act	⊙	⊙					⊙							
2007	110	HR 2232	Henry Waxman	Clarification of Federal Employment Protections Act	⊙											⊙		
2007	110	HR 3551	Danny Davis	Federal Merit System Reauthorization Act	⊙											⊙		
2007	110	HR 3685	Barney Frank	Employment Non-Discrimination Act	⊙						⊙							
2007	110	HR 4849	Laura Richardson	Equal Rights for Health Care Act Title 42	⊙													⊙
2007	110	S 1345	Daniel Akaka	Clarification of Federal Employment Protections Act	⊙											⊙		
2007	110	S 2057	Daniel Akaka	Federal Merit System Reauthorization Act	⊙											⊙		
2009	111	HR 1200	Jim McDermott	American Health Security Act	⊙													⊙
2009	111	HR 1263	Ellen Tauscher	Military Readiness Enhancement Act	⊙										⊙			
2009	111	HR 2744	Laura Richardson	Equal Rights for Health Care Act Title 42	⊙	⊙												⊙
2009	111	HR 2981	Barney Frank	Employment Non-Discrimination Act	⊙	⊙					⊙							
2009	111	HR 3001	Tammy Baldwin	Ending LGBT Health Disparities Act	⊙	⊙												⊙
2009	111	HR 3017	Barney Frank	Employment Non-Discrimination Act	⊙	⊙					⊙							
2009	111	HR 3090	Donna Christensen	Health Equity and Accountability Act	⊙	⊙												⊙
2009	111	HR 3827	Pete Stark	Every Child Deserves a Family Act	⊙	⊙												⊙
2009	111	HR 4376	Steve Israel	Freedom from Discrimination in Credit Act	⊙	⊙							⊙					
2010	111	HR 4530	Jared Polis	Student Nondiscrimination Act	⊙	⊙			⊙									
2010	111	HR 4906	Pete Stark	Every Child Deserves a Family Act	⊙	⊙												⊙
2010	111	HR 4820	Jerrold Nadler	Fair and Inclusive Housing Rights Act	⊙	⊙						⊙						
2010	111	HR 4828	Edolphus Towns	Housing Nondiscrimination Act	⊙	⊙	⊙	⊙				⊙						
2010	111	HR 4988	Joe Sestak	Housing Non-Discrimination Act	⊙	⊙						⊙						
2010	111	HR 6500	Jerrold Nadler	Housing Opportunities Made Equal Act	⊙	⊙						⊙						
2009	111	S 703	Bernie Sanders	American Health Security Act	⊙													⊙
2009	111	S 1584	Jeff Merkley	Employment Non-Discrimination Act	⊙	⊙					⊙							
2010	111	S 3065	Joseph Lieberman	Military Readiness Enhancement Act	⊙										⊙			
2010	111	S 3390	Al Franken	Student Nondiscrimination Act	⊙	⊙			⊙									
2011	112	HR 998	Jared Polis	Student Non-Discrimination Act	⊙	⊙			⊙									
2011	112	HR 1200	Jim McDermott	American Health Security Act	⊙													⊙
2011	112	HR 1397	Barney Frank	Employment Non-Discrimination Act	⊙	⊙					⊙							
2011	112	HR 1488	Steve Israel	Freedom from Discrimination in Credit Act	⊙	⊙							⊙					

## History of Federal Nondiscrimination Legislation

Year	Congress	Number	Sponsor	Name	Sexual Orientation	Gender Identity	Public Accommodations	Public Facilities	Public Education	All Federally Funded Programs	Employment	Housing	Credit	July	Armed Forces	Some or All Federal Employment	Certain Federally Funded Programs	Other
2011	112	HR 1681	Pete Stark	Every Child Deserves a Family Act	☉	☉												
2011	112	HR 2954	Barbara Lee	Health Equity and Accountability Act	☉	☉												
2011	112	HR 3030	Jerrold Nadler	Housing Opportunities Made Equal Act	☉	☉						☉	☉					
2011	112	HR 3324	Barbara Lee	Real Education for Healthy Youth Act	☉	☉												
2012	112	HR 4271	Gwen Moore	Violence Against Women Reauthorization Act	☉	☉												
2012	112	HR 4962	Judy Biggert	Violence Against Women Reauthorization Act	☉	☉												
2012	112	HR 5331	Janice Schakowsky	Violence Against Immigrant Women Act	☉	☉												
2012	112	HR 5848	Steve Rothman	Juror Non-Discrimination Act	☉	☉									☉			
2011	112	S 555	Al Franken	Student Non-Discrimination Act	☉	☉			☉									
2011	112	S 811	Jeff Merkley	Employment Non-Discrimination Act	☉	☉					☉							
2011	112	S 915	Bernie Sanders	American Health Security Act	☉	☉												
2011	112	S 1605	John Kerry	Housing Opportunities Made Equal Act	☉	☉						☉	☉					
2011	112	S 1770	Kirsten Gillibrand	Every Child Deserves a Family Act	☉	☉												
2011	112	S 1782	Frank Lautenberg	Real Education for Healthy Youth Act	☉	☉												
2011	112	S 1925	Patrick Leahy	Violence Against Women Reauthorization Act	☉	☉												
2012	112	S 2474	Daniel Akaka	Health Equity and Accountability Act	☉	☉												
2012	112	S 3618	Jeanne Shaheen	Jury ACCESS Act	☉	☉									☉			
2013	113	HR 11	Gwen Moore	Violence Against Women Reauthorization Act	☉	☉												
2013	113	HR 312	Susan Davis	Juror Non-Discrimination Act	☉	☉									☉			
2013	113	HR 629	Janice Schakowsky	Violence Against Immigrant Women Act	☉	☉												
2013	113	HR 725	Barbara Lee	Real Education for Healthy Youth Act	☉	☉												
2013	113	HR 1200	Jim McDermott	American Health Security Act	☉	☉												
2013	113	HR 1652	Jared Polis	Student Non-Discrimination Act	☉	☉			☉									
2013	113	HR 1755	Jared Polis	Employment Non-Discrimination Act	☉	☉					☉							
2013	113	HR 2028	John Lewis	Every Child Deserves a Family Act	☉	☉												
2013	113	HR 2364	Steve Israel	Freedom from Discrimination in Credit Act	☉	☉							☉					
2013	113	HR 2479	Jerrold Nadler	Housing Opportunities Made Equal Act	☉	☉						☉	☉					
2013	113	HR 2955	Gwen Moore	Runaway and Homeless Youth Inclusion Act	☉	☉												
2014	113	HR 4620	Adam Smith	Accountability in Immigration Detention Act	☉	☉												
2014	113	HR 5294	Lucille Roybal-Allard	Health Equity and Accountability Act	☉	☉												
2013	113	S 38	Jeanne Shaheen	Jury ACCESS Act	☉	☉									☉			

## History of Federal Nondiscrimination Legislation

Year	Congress	Number	Sponsor	Name	Sexual Orientation	Gender Identity	Public Accommodations	Public Facilities	Public Education	All Federally Funded Programs	Employment	Housing	Credit	Jury	Armed Forces	Some or All Federal Employment	Certain Federally Funded Programs	Other
2013	113	S 47	Patrick Leahy	Violence Against Women Reauthorization Act	☉	☉												☉
2013	113	S 372	Frank Lautenberg	Real Education for Healthy Youth Act	☉	☉												☉
2013	113	S 815	Jeff Merkley	Employment Non-Discrimination Act	☉	☉					☉							
2013	113	S 1089	Kirsten Gillibrand	Every Child Deserves a Family Act	☉	☉												☉
2013	113	S 1088	Al Franken	Student Non-Discrimination Act	☉	☉			☉									
2013	113	S 1094	Tom Harkin	Strengthening America's Schools Act	☉	☉			☉									
2013	113	S 1159	Patty Murray	Freedom from Discrimination in Credit Act	☉	☉							☉					
2013	113	S 1242	Sherrod Brown	Housing Opportunities Made Equal Act	☉	☉						☉	☉					
2013	113	S 1371	Tom Udall	Financial Services and General Government Appropriations Act	☉	☉									☉			
2013	113	S 1782	Bernie Sanders	American Health Security Act	☉													☉
2014	113	S 2646	Patrick Leahy	Runaway and Homeless Youth and Trafficking Prevention Act	☉	☉												☉
2015	114	HR 428	Mike Honda	A Resolution to Protect House Employees from Employment Discrimination	☉	☉										☉		
2015	114	HR 846	Jared Polis	Student Non-Discrimination Act	☉	☉			☉									
2015	114	HR 864	Susan Davis	Jury Non-Discrimination Act	☉	☉								☉				
2015	114	HR 1200	Jim McDermott	American Health Security Act	☉													☉
2015	114	HR 1706	Barbara Lee	Real Education for Healthy Youth Act	☉	☉												☉
2015	114	HR 1779	John Yamuth	Runaway and Homeless Youth and Trafficking Prevention Act	☉	☉												☉
2015	114	HR 2034	Grace Meng	Intern Protection Act	☉	☉					☉							
2015	114	HR 2309	Steve Israel	Freedom From Discrimination in Credit Act	☉	☉							☉					
2015	114	HR 2314	Adam Smith	Accountability in Immigration Detention Act	☉	☉												☉
2015	114	HR 2449	John Lewis	Every Child Deserves A Family Act	☉	☉												☉
2015	114	HR 3060	Adam Schiff	Stop Child Abuse in Residential Programs for Teens Act	☉	☉												☉
2015	114	HR 3186	David Cicilline	Equality Act	☉	☉	☉	☉	☉	☉	☉	☉	☉	☉	☉			
2015	114	S 262	Patrick Leahy	Runaway and Homeless Youth and Trafficking Prevention Act	☉	☉												☉
2015	114	S 439	Al Franken	Student Non-Discrimination Act	☉	☉			☉									
2015	114	S 447	Jeanne Shaheen	Jury ACCESS Act	☉	☉								☉				
2015	114	S 1330	Patty Murray	Freedom From Discrimination in Credit Act	☉	☉							☉					
2015	114	S 1382	Kirsten Gillibrand	Every Child Deserves A Family Act	☉	☉												☉
2015	114	S 1858	Jeff Merkley	Equality Act	☉	☉	☉	☉	☉	☉	☉	☉	☉	☉	☉			

## NTDS Instrument

### Directions

Please read and answer each question carefully. For each answer, darken the appropriate oval completely. If you want to change an answer, erase your first answer completely and darken the oval of your new answer. You may decline to answer specific questions.

“**Transgender/gender non-conforming**” describes people whose gender identity or expression is different, at least part of the time, from the sex assigned to them at birth.

1. Do you consider yourself to be transgender/gender non-conforming in any way?

- Yes
- No. If no, do NOT continue.

2. What sex were you assigned at birth, on your original birth certificate?

- Male
- Female

3. What is your primary gender identity today?

- Male/Man
- Female/Woman
- Part time as one gender, part time as another
- A gender not listed here, please specify \_\_\_\_\_

4. For each term listed, please select to what degree it applies to you.

	Not at all	Somewhat	Strongly
Transgender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transsexual	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
FTM (female to male)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
MTF (male to female)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intersex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gender non-conforming or gender variant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Genderqueer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Androgynous	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Feminine male	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Masculine female or butch	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A.G. or Aggressive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Third gender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cross dresser	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drag performer (King/Queen)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Two-spirit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. People can tell I'm transgender/gender non-conforming even if I don't tell them.

- Always
- Most of the time
- Sometimes
- Occasionally
- Never

6. I tell people that I'm transgender/gender non-conforming. (Mark all that apply.)

- Never
- People who are close friends
- Casual friends
- Work colleagues
- Family
- Everyone

7. How many people know or believe you are transgender/gender non-conforming in each of the following settings? Mark all that apply.

	None	A few	Some	Most	All	Not applicable
At home	<input type="checkbox"/>					
On the job	<input type="checkbox"/>					
At school	<input type="checkbox"/>					
In private social settings	<input type="checkbox"/>					
In public social settings	<input type="checkbox"/>					
When seeking medical care	<input type="checkbox"/>					

8. To the best of your ability, please estimate the following ages, if they apply to you. Mark "N.A." if not applicable or if you have no desire to transition. Please mark each line.

	Age in years	Not applicable
Age you first recognized that you were "different" in terms of your gender.	_____	<input type="checkbox"/>
Age you first recognized your transgender/gender-non-conforming identity	_____	<input type="checkbox"/>
Age you began to live part time as a transgender/gender non-conforming person.	_____	<input type="checkbox"/>
Age you began to live full time as a transgender/gender non-conforming person.	_____	<input type="checkbox"/>
Age that you first got any kind of transgender-related medical treatment.	_____	<input type="checkbox"/>
Your current age	_____	

9. Do you or do you want to live full-time in a gender that is different from you gender at birth?

- Yes, I currently live full-time in a gender different from my birth gender.
- Not full-time yet, but someday I want to.
- No, I do not want to live full-time.

10. What is your zip code?

ZIP \_\_\_\_\_

11. What is your race/ethnicity? (Mark all that apply.)

- White
- Black or African American
- American Indian or Alaska Native (enrolled or principal tribe) \_\_\_\_\_
- Hispanic or Latino
- Asian or Pacific Islander
- Arab or Middle Eastern
- Multiracial or mixed race

12. What is the highest degree or level of school you have completed? Mark ONE box. If you are currently enrolled, please mark the previous grade or highest degree received.

- Elementary and/or junior high
- Some high school to 12th grade
- High school graduate - high school Diploma or the equivalent (for example: GED)
- Some college credit, but less than 1 year
- Technical school degree (such as cosmetology or computer technician)
- One or more years of college, no degree
- Associate degree (for example: AA, AS)
- Bachelor's degree (for example: BA, AB, BS)
- Master's degree (for example: MA, MS, MEng, MEd, MSW, MBA)
- Professional degree (for example: MD, DDS, DVM, LLB, JD)
- Doctorate degree (for example: PhD, EdD)

13. What is your current gross annual household income (before taxes)?

- Less than \$10,000
- \$10,000 to \$19,999
- \$20,000 to \$29,999
- \$30,000 to \$39,999
- \$40,000 to \$49,999
- \$50,000 to \$59,999
- \$60,000 to \$69,999
- \$70,000 to \$79,999
- \$80,000 to \$89,999
- \$90,000 to \$99,999
- \$100,000 to \$149,999
- \$150,000 to \$ 199,999
- \$200,000 to \$250,000
- More than \$250,000

14. How many people live in your household?

Number \_\_\_\_\_

15. How many children currently rely on your income?

Number \_\_\_\_\_

16. What is your relationship status?

- Single
- Partnered
- Civil union
- Married
- Separated
- Divorced
- Widowed

**Important Note:** When we say: "Because you are transgender/gender non-conforming, has one or two of these things happened to you," we do not mean that your gender identity or expression is causing bad or abusive things to happen. We are trying to find out if people are **treating you differently** because you are transgender or gender non-conforming.

17. Because I am transgender/gender non-conforming, life in general is:

- Much improved
- Somewhat improved
- The same
- Somewhat worse
- Much worse
- In some ways better, in some ways worse

18. Because I am transgender/gender non-conforming, my housing situation is:

- Much improved
- Somewhat improved
- The same
- Somewhat worse
- Much worse
- In some ways better, in some ways worse

19. If you are or were employed, how has the fact that you are transgender/ gender non-conforming changed your employment situation?

- Much improved
- Somewhat improved
- Stayed the same
- Somewhat worse
- Much worse
- In some ways better, in some ways worse
- Not applicable. I was never employed

20. Because you are transgender/gender non-conforming, how has your situation changed as a parent?

- Much improved
- Somewhat improved
- Stayed the same
- Somewhat worse
- Much worse
- In some ways better, in some ways worse
- Not Applicable. I am not a parent.

21. What are your current living arrangements?

- Homeless
- Living in a shelter
- Living in a group home facility or other foster care situation
- Living in a nursing/adult care facility
- Living in campus/university housing
- Still living with parents or family you grew up with
- Staying with friends or family temporarily
- Living with a partner, spouse or other person who pays for the housing
- Living in house/apartment/condo I RENT alone or with others
- Living in house/apartment/condo I OWN alone or with others

22. Because you are transgender/gender non-conforming, have you experienced any of the following housing situations? Please mark "Not applicable" if you were never in a position to experience such a housing situation. For example, if you have always owned your home as a transgender/gender non-conforming person, you could not have been evicted.

	Yes	No	Not applicable
I moved into a less expensive home/apartment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I became homeless.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have been evicted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was denied a home/apartment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had to move back in with family members or friends.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had to find different places to sleep for short periods of time, such as on a friend's couch.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have had sex with people to sleep in their bed/at their homes or to pay rent.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had to use equity in my home to pay for living expenses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

23. If you have experienced homelessness, did you go to a shelter?

- Yes  
 No [Go to Question 25]  
 Not applicable, I never experienced homelessness [Go to Question 25]

24. Because you are transgender/gender non-conforming, did you experience any of the following when you went to a shelter?

	Yes	No
I was denied access to a shelter.	<input type="radio"/>	<input type="radio"/>
I was thrown out after they learned I was transgender.	<input type="radio"/>	<input type="radio"/>
I was harassed by residents or staff.	<input type="radio"/>	<input type="radio"/>
I was physically assaulted/attacked by residents or staff.	<input type="radio"/>	<input type="radio"/>
I was sexually assaulted/attacked by residents or staff.	<input type="radio"/>	<input type="radio"/>
I was forced to live as the wrong gender in order to be allowed to stay in a shelter.	<input type="radio"/>	<input type="radio"/>
I was forced to live as the wrong gender in order to be/feel safe in a shelter.	<input type="radio"/>	<input type="radio"/>
I decided to leave a shelter even though I had no place to go because of poor treatment/unsafe conditions.	<input type="radio"/>	<input type="radio"/>

25. What is your current employment status? (Mark all that apply.)

- Full-time  
 Part-time  
 More than one job  
 Self-employed, own your business  
 Self-employed, contract worker  
 Unemployed but looking  
 Unemployed and stopped looking  
 On disability  
 Student  
 Retired  
 Homemaker or full-time parent  
 Other, please specify \_\_\_\_\_

26. Have you done any of the following to avoid discrimination because you are transgender or gender non-conforming? If you are/were not employed, mark not applicable.

	Yes	No	Not applicable
Stayed in a job I'd prefer to leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Didn't seek a promotion or a raise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Changed jobs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Delayed my gender transition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hid my gender or gender transition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have not done anything to avoid discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27. Because of being transgender/gender non-conforming, which of the following experiences have you had at work? Please mark each row.

	Yes	No	Not applicable
I feel more comfortable and my performance has improved.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I did not get a job I applied for because of being transgender or gender non-conforming.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am or have been under-employed, that is working in the field I should not be in or a position for which I am over-qualified.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was removed from direct contact with clients, customers or patients.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was denied a promotion.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I lost my job.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was harassed by someone at work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was the victim of physical violence by someone at work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was the victim of sexual assault by someone at work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was forced to present in the wrong gender to keep my job.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was not able to work out a suitable bathroom situation with my employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was denied access to appropriate bathrooms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was asked inappropriate questions about my transgender or surgical status.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was referred to by the wrong pronoun, repeatedly and on purpose.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisors or coworkers shared information about me that they should not have.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28. Because of being transgender or gender non-conforming, have any of the following people close to you faced any kind of job discrimination?

	Yes	No	Not applicable
Spouse or partner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Children or other family member	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29. If you have ever worked for pay in the street economy, please check all activities in which you have engaged.

- Sex work/sex industry
- Drug sales
- Other, please specify \_\_\_\_\_
- Not applicable. I have never worked for pay in the street economy.

30. Based on being transgender/gender non-conforming, please check whether you have experienced any of the following in these public spaces. (Mark all that apply.)

	Denied equal treatment or service	Verbally harassed or disrespected	Physically attacked or assaulted	Not applicable. I have not tried to access this.	Not applicable. I do not present as transgender here.	Not applicable. I did not experience these negative outcomes.
Retail store	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hotel or restaurant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bus, train, or taxi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Airplane or airport staff/TSA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doctor's office or hospital	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency Room	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rape crisis center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic violence shelter/program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health clinic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug treatment program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ambulance or EMT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Govt. agency/official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge or court official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal services clinic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. Have you ever interacted with the police as a transgender/gender non-conforming person?

- Yes [Go to Question 32]
- No [Go to Question 33]

32. Because of being transgender/gender non-conforming, which of the following experiences have you had in your interaction with the police? (Mark all that apply.)

- Officers generally have treated me with respect
- Officers generally have treated me with disrespect
- Officers have harassed me
- Officers have physically assaulted me
- Officers have sexually assaulted me

33. As a transgender/gender non-conforming person, how comfortable do you feel seeking help from the police?

- Very comfortable
- Somewhat comfortable
- Neutral
- Somewhat uncomfortable
- Very uncomfortable

34. Because of being transgender/gender non-conforming, have you ever been arrested or held in a cell?

- Yes
- No

35. Have you ever been sent to jail or prison for any reason?

- Yes [Go to Question 36]
- No [Go to Question 38]

36. How long were you in jail or prison, total?

- Under six months
- Six months to a year
- One to three years
- Three to five years
- Five to ten years
- Ten or more years

37. If you were jailed or in prison, have you ever experienced any of the following because of being transgender/gender non-conforming? (Mark all that apply in each category.)

	Harassed	Physically assaulted or attacked	Sexually assaulted or attacked	Denied hormones	Denied regular medical care
From other inmates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From correctional officers or staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

38. Have you attended school at any level (elementary school or higher) as a transgender/gender non-conforming person?

- Yes [Go to Question 39]
- No [Go to Question 41]

39. Because you are transgender/gender non-conforming, have you been a target of harassment, discrimination or violence at school? (Mark all that apply.)

	Did not attend such a school	Not out as transgender or gender non-conforming at that point	Harassed or bullied by students	Harassed or bullied by teachers or staff	Physically assaulted or attacked by students	Physically assaulted or attacked by teachers or staff	Sexually assaulted or attacked by students	Sexually assaulted or attacked by teachers or staff	Expelled, thrown out, or denied enrollment	Not applicable. I did not experience these negative outcomes.
Elementary school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Junior high/middle school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High School	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
College	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Graduate or professional school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technical school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

40. Because I am/was transgender/gender non-conforming, which of the following statements are true?

	Yes	No	Not applicable
I had to leave school because the harassment was so bad.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had to leave school for financial reasons related to my transition.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I lost or could not get financial aid or scholarships.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was not allowed to have any housing on campus.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was not allowed gender appropriate housing on campus.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was not allowed to use the appropriate bathrooms or other facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

41. What type of health insurance do you have? If you have more than one type of coverage, check the ONE that you usually use to cover doctor and hospital bills.

- I have NO health insurance coverage
- Insurance through a current or former employer (employee health plan, COBRA, retiree benefits)
- Insurance through someone else's employer (spouse, partner, parents, etc.)
- Insurance you or someone in your family purchased
- Medicare
- Medicaid
- Military health care/Champus/Veterans Administration/Tri-Care
- Student insurance through college or university
- Other public (such as state or county level health plans, etc.)
- Other, please specify \_\_\_\_\_

42. What kind of place do you go to most often when you are sick or need advice about your health? (check one)

- Emergency room
- Doctor's office
- Health clinic or health center that I or my insurance pays for
- Free health clinic
- V.A. (veteran's) clinic or hospital
- Alternative medicine provider (acupuncture, herbalist)
- Not applicable. I do not use any health care providers

43. Because you are transgender/gender non-conforming, have you had any of the following experiences? (Please check an answer for each row. If you have NEVER needed medical care, please check "Not applicable")

	Yes	No	Not applicable
I have postponed or not tried to get needed medical care when I was sick or injured because I could not afford it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have postponed or not tried to get checkups or other preventive medical care because I could not afford it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have postponed or not tried to get needed medical care when I was sick or injured because of disrespect or discrimination from doctors or other healthcare providers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have postponed or not tried to get checkups or other preventive medical care because of disrespect or discrimination from doctors or other healthcare providers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A doctor or other provider refused to treat me because I am transgender/gender non-conforming.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had to teach my doctor or other provider about transgender/gender non-conforming people in order to get appropriate care.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

44. Please mark below if you received health care related to being transgender/ gender non-conforming.

	Do not want it	Want it someday	Have had it	Not applicable
Counseling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hormone treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Top/chest/breast surgery (chest reduction, enlargement, or reconstruction)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Male-to-female removal of the testes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Male-to-female genital surgery (removal of penis and creation of a vagina, labia, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Female-to-male hysterectomy (removal of the uterus and/or ovaries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Female-to-male genital surgery (clitoral release/metoidioplasty/creation of testes)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Female-to-male phalloplasty (creation of a penis)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

45. Please tell us how much the following procedures have cost if you have had them, or mark the box that says I have NOT had this procedure.

	My insurance paid for some or all of this and my out of pocket cost was:	My insurance did NOT pay for this and my out of pocket cost was:	I have NOT had this procedure	Don't know
Hormone treatment , average MONTHLY cost	_____	_____	<input type="radio"/>	<input type="radio"/>
Visits to the doctor to monitor hormone levels, average YEARLY cost	_____	_____	<input type="radio"/>	<input type="radio"/>
Chest/breast/top surgeries and reconstructions/reductions/enhancements TOTAL cost	_____	_____	<input type="radio"/>	<input type="radio"/>
Genital/bottom surgeries TOTAL cost	_____	_____	<input type="radio"/>	<input type="radio"/>
Facial surgeries TOTAL cost	_____	_____	<input type="radio"/>	<input type="radio"/>
Other transition-related health care TOTAL cost. Please describe type of care here. Other	_____	_____	<input type="radio"/>	<input type="radio"/>

46. Have you ever received a gender-related mental health diagnosis?

- No
- Yes. My diagnosis: \_\_\_\_\_

47. Not including any gender-related mental health diagnosis, do you have a disability (physical, learning, mental health) that substantially affects a major life activity?

- Yes
- No [Go to Question 49]

48. What is your disability? (Mark all that apply.)

- Physical condition
- Learning disability
- Mental health condition

49. What is your HIV status?

- HIV negative
- HIV positive
- Don't know

50. I drink or misuse drugs to cope with the mistreatment I face or faced as a transgender or gender non-conforming person.

- Yes
- Yes, but not currently
- No
- Not applicable. I face no mistreatment.

51. Have you ever smoked 100 cigarettes in your life?

- Yes
- No

52. Do you now smoke daily, occasionally, or not at all?

- Daily
- Occasionally
- Not at all

53. If you now smoke, would you like to quit?

- Yes
- No
- Not applicable, I do not smoke now

54. Have you ever attempted suicide?

- Yes
- No

55. Because of being transgender/gender non-conforming, have you lived through any of the following family issues? If a situation does not apply to you, please mark "Not applicable."

	Yes	No	Not applicable
My family is as strong today as before I came out.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My family relationships are slowly improving after coming out.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My relationship with my spouse or partner ended.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My ex limited or stopped my relationship with my children.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A court/judge limited or stopped my relationship with my children.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My children chose not to speak with me or spend time with me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My parents or family chose not to speak with me or spend time with me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was a victim of domestic violence by a family member.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have lost close friends.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

56. Please mark the appropriate response about adoption and foster parenting as a transgender/gender non-conforming person.

	Yes, my partner's child or children	A child related to me	Yes, a child previously unknown to me	No, I have not tried
I have successfully adopted or fostered a child.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I tried to adopt or foster a child and was rejected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

57. For each of the following documents, please check whether or not you have been able (allowed) to change the documents or records to reflect your current gender. Mark "Not applicable" if you have no desire to change the gender on the document listed.

	Yes, changes allowed	No, changes denied	Not tried	Not applicable
Birth certificate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drivers license and/or state issued non-driver ID	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social Security records	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Passport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work ID	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Military discharge papers (DD214 or DD215)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Health insurance records	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Student records	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional licenses or credentials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

58. Have you or your employer ever received notice that the gender your employer has listed for you does not match the gender the government has listed for you?

- Yes
- No
- Not applicable

59. Have you ever received notice from your state motor vehicle agency that the gender on your driver's license does not match the gender the federal government has listed for you with Social Security?

- Yes
- No
- Not applicable

60. Thinking about all of your IDs and records, which of the following statements is most true?

- All of my IDs and records list the gender I prefer.
- Some of my IDs and records list the gender I prefer.
- None of my IDs and records list the gender I prefer.

61. When I present documents with my name and gender (like a driver's license or a passport) that do not match the gender I present as: **(Mark all that apply.)**

- I have been harassed.
- I have been assaulted/attacked.
- I have been asked to leave.
- I have had no problems.
- Not applicable. I have only presented documents that match.

62. Please check what you believe are the four most important policy priorities affecting transgender/gender non-conforming people in the U.S.

- HIV prevention, education and treatment
- Better policies on gender and identity documents and other records
- Passing anti-bullying laws that make schools safer
- Transgender/gender non-conforming prisoner's rights
- Immigration policy reform (such as asylum or partner recognition)
- Allowing transgender/gender non-conforming people to serve in the military
- Access to transgender-sensitive health care
- Getting transgender-related health care covered by insurance
- Protecting trans/gender non-conforming people from discrimination in hiring and at work
- Protecting transgender/gender non-conforming people from discrimination in housing
- Passing laws that address hate crimes against transgender/gender non-conforming people
- The right of transgender/gender non-conforming people to parent, including adoption
- The right to equal recognition of marriages involving transgender partners

63. What is your U.S. citizenship status?

- U.S. citizen
- Documented non-citizen
- Undocumented non-citizen

64. Are you registered to vote?

- Yes
- No

65. Have you ever been a member of the armed forces?

- Yes [Go to Question 66]
- No [Go to Question 67]
- I was denied entry because I am transgender/gender non-conforming [Go to Question 67]

66. Were you discharged from the service because of being transgender/gender non-conforming?

- Yes
- No or still in the military

67. What are your household's current sources of income? (Mark all that apply.)

- Paycheck from a your or your partner's job
- Money from a business, fees, dividends or rental income
- Aid such as TANF; welfare; WIC; public assistance; general assistance; food stamps or SSI
- Unemployment benefits
- Child support or alimony
- Social security, workers comp, disability, veteran's benefits or pensions
- Inherited wealth
- Pay from street economies (sex work, other sales)
- Other, please specify \_\_\_\_\_

69. What is your sexual orientation?

- Gay/Lesbian/Same-gender attraction
- Bisexual
- Queer
- Heterosexual
- Asexual
- Other, please specify \_\_\_\_\_

70. Anything else you'd like to tell us about your experiences of acceptance or discrimination as a transgender/gender non-conforming person?

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## Demographic Composition of the Sample

(Some readers may be more interested in these data as it is presented in the next chapter:  
A Portrait of Transgender and Gender Non-Conforming People.)

Question	Response	#	%
<b>Q1. Identify as Transgender</b>	Yes	6436	100
	No	0	0
	<b>Total</b>	<b>6436</b>	<b>100</b>
<b>Q2. Sex Assigned at Birth</b>	Male	3870	60
	Female	2566	40
	<b>Total</b>	<b>6436</b>	<b>100</b>
<b>Q3. Primary Gender Identity Today</b>	Male/Man	1687	26
	Female/Woman	2608	41
	Part time as one gender, part time as another	1275	20
	A gender not listed here, please specify	864	13
	<b>Total</b>	<b>6434</b>	<b>100</b>
<b>Q4. Identify with the Word Transgender</b>	Not at all	618	10
	Somewhat	1601	26
	Strongly	4039	65
	<b>Total</b>	<b>6258</b>	<b>100</b>
<b>Q10. Region</b> (see Portrait chapter for the composition of the regions)	New England	540	9
	Mid-Atlantic	1314	21
	South	1120	18
	Mid-West	1292	21
	West (Not California)	1035	17
	California	906	15
	<b>Total</b>	<b>6207</b>	<b>100</b>
	<b>Q47. Disability</b>	Yes	1972
No		4401	69
<b>Total</b>		<b>6373</b>	<b>100</b>
<b>Q49. HIV Status</b>	HIV negative	5667	89
	HIV positive	168	3
	Don't know	536	8
	<b>Total</b>	<b>6371</b>	<b>100</b>

Question	Response	#	%
<b>Q11. Race (Multiple Answers Permitted)</b>	White	5372	83
	Latino/a	402	6
	Black	389	6
	American Indian	368	6
	Asian	213	3
	Arab or Middle Eastern	45	1
	<b>Total</b>		
<b>Q11. Race recoded</b>	American Indian only	75	1
	Asian only	137	2
	Black only	290	5
	Hispanic only	294	5
	White only	4872	76
	Multiracial and other	736	11
	<b>Total</b>	<b>6404</b>	<b>100</b>
<b>Q12. Education</b>	Less than high school	53	1
	Some high school	213	3
	High school graduate	540	8
	Some college <1 year	506	8
	Technical school	310	5
	>1 years of college, no degree	1263	20
	Associate degree	506	8
	Bachelor's degree	1745	27
	Master's degree	859	13
	Professional degree (e.g. MD, JD)	191	3
	Doctorate degree	231	4
	<b>Total</b>	<b>6417</b>	<b>100</b>
<b>Q38. Did You Ever Attend School as a Trans or GNC Person</b>	Yes	3114	49
	No	3262	51
	<b>Total</b>	<b>6376</b>	<b>100</b>
<b>Q25. Work Status</b>	Full-time	2970	46
	Part-time	1012	16
	Multiple Jobs	490	8
	Self-employed/Owner	541	8
	Self-employed/ Contractor	282	4
	Unemployed/Looking	700	11
	Unemployed/Not looking	210	3
	Disability	502	8
	Student	1292	20
	Retired	450	7
	Homemaker	111	2
	Other, specify	434	7
	<b>Total</b>		

Question	Response	#	%
Q13. Household Income	Less than \$10,000	944	15
	\$10,000 to \$19,999	754	12
	\$20,000 to \$29,999	731	12
	\$30,000 to \$39,999	712	11
	\$40,000 to \$49,999	539	9
	\$50,000 to \$59,999	485	8
	\$60,000 to \$69,999	394	6
	\$70,000 to \$79,999	353	6
	\$80,000 to \$89,999	252	4
	\$90,000 to \$99,999	234	4
	\$100K to \$149,999	539	9
	\$150K to \$ 199,999	163	3
	\$200K to \$250,000	74	1
	More than \$250,000	84	1
	<b>Total</b>	<b>6258</b>	<b>100</b>
Q16. Relationship Status	Single	2286	36
	Partnered	1706	27
	Civil union	72	1
	Married	1394	22
	Separated	185	3
	Divorced	690	11
	Widowed	94	1
		<b>Total</b>	<b>6427</b>
Q63. Citizenship	U.S. citizen	6106	96
	Documented non-citizen	156	2
	Undocumented non-citizen	117	2
		<b>Total</b>	<b>6379</b>
Q64. Voter Registration	Registered	5695	89
	Not Registered	689	11
		<b>Total</b>	<b>6384</b>
Q65. Armed Service	Yes	1261	20
	No	4983	78
	Denied Enlistment	133	2
		<b>Total</b>	<b>6377</b>
Q66. Sexual Orientation	Gay/Lesbian/Same-gender	1326	21
	Bisexual	1473	23
	Queer	1270	20
	Heterosexual	1341	21
	Asexual	260	4
	Other, specify	698	11
		<b>Total</b>	<b>6368</b>

