

Transgender and Nonbinary Basics: Trauma-Informed and Affirming Practices

Elizabeth Pinolini (they/them) Staff Attorney 202-797-4401 epinolini@whitman-walker.org

Today's Agenda

01

Understanding Transgender & Nonbinary People



Bias Has Consequences



Creating Safe Spaces for LGBTQ Individuals

Understanding Transgender & Nonbinary People

Basic Terminology

Sexual Orientation

Describes an individual's emotional, physical, and/or romantic attraction to another person.

Gender Identity

A person's internal sense of being male, female, or somewhere else on the gender spectrum.

Sex/Gender Assigned at Birth

The designation of sex/gender written on a person's birth certificate. Standards vary by state.

Gender Expression/Presentation

How a person chooses to communicate their gender identity to others through clothing, hair, styles, mannerisms, and social interactions that are typically seen as masculine, feminine, or androgynous.

More Definitions

Transgender Person

Someone who knows that their <u>gender identity</u> is different from their <u>sex/gender</u> assigned at birth.

Intersex/Differences in Sexual Development

Conditions related to the development of genital function and secondary sex characteristics.

More commonly thought of as a medical condition and not inherently part of someone's identity.

Cisgender Person

Someone who knows that their <u>gender identity</u> aligns with their <u>sex/gender</u> assigned at birth.

Gender Transition

The social, medical, and legal processes through which a person changes their gender expression and/or physical expression to better match their gender identity. (*more on this later!*)

Beyond the Binary

A Nonbinary Person is . . .

A person whose gender is not exclusively male or female, including those who identify as having no gender, a gender other than male or female, or more than one gender.

Nonbinary Pronouns

Vary by person. Be sure to ask! May use: THEY [singular]

They are a nonbinary person. They use they/them pronouns.

How to Address a Nonbinary Person

As with pronouns, preferences vary. Be sure to ask! Honorifics may include **Mx.** [pronounced "mix"] Example: "Mx. Hoffman"

Identity Spectrum (Theory)

Birth Sex/Gender

°.;;



PRONOUNS: Don't be afraid to ask! Don't be afraid of THEY!

- Pronouns are a critical part of gender identity and should not be assumed based on someone's appearance.
- Pronouns are not a preference.
- Always introduce yourself using your pronouns and ask others which pronouns to use.

```
 ✓ He / Him / His
 ✓ She/ Her / Hers
 ✓ They / Them / Theirs (best starting point!)
 ✓ Other (e.g. Zie / Zim / Zir)
 ✓ ... or No Pronouns
```

Gender Transition

Personal Discovery & Exploration

The process by which someone comes to understand themselves as being transgender or nonbinary

Social Transition

Includes coming out to friends, family, work; changing social presentation; using new name and pronouns

Medical Transition

May include hormone therapy and/or various surgeries

Legal Transition

May include court order for name change, gender marker changes, and/or updating records and ID documents

Remember:

All transgender people are entitled to the same dignity and respect, regardless of which transition steps they have taken, plan to take, or never take.

There Is No Such Thing as "Legal Gender"

- People have gender markers on all sorts of different government documents and records, including driver's license/state ID, birth certificate, passports, Social Security record, military records, insurance policies, medical records and others.
- The process and standard of proof for changing the gender marker on each ID and record are different in every state and for every federal agency.
- Some jurisdictions and agencies allow only "F" and "M" gender markers, while others offer the "X" marker as a third option, including US Passports.
- It is very common for trans, nonbinary, and intersex persons to have inconsistent gender markers across different documents and records.
- As a result, it is inaccurate to conclude that any ONE document demonstrates a person's "legal gender."

Review & Major Takeaways

- A person's identity as a man, woman, nonbinary person, or any gender is independent of their sex assigned at birth, sexual orientation, how they present themself, or what their identity documents may say.
- The preferred terminology for transgender individuals is "transgender person," "trans man," "trans woman," and/or "nonbinary person." However, some individuals may use different terminology.
- 3. Gender transition consists of many different steps. A trans person's identity is valid regardless of what steps they have taken, or plan to take in the future.
- 4. <u>Always</u> use the name, pronouns, and honorifics a person asks you to use.

Bias Has Consequences

Understanding the Data

- US: Approximately 5.6% of the adult population (around 18 million people) identify as LGBTQ
 - 0.6% identify as transgender
- DC: We have the highest percentages
 - Approximately 9.8% of residents identify as LGBTQ (around 70,000 people)
 - 2.8% identify as transgender (around 19,000 people)

Bias has Consequences

In the 2015 U.S. Transgender Survey by the National Center for Transgender Equality of 27,000 trans & nonbinary people:

- **Discrimination**: 31% experienced mistreatment in places of public accommodation
- Unemployment: 15% were unemployed (national average is 5%)
- **Poverty**: 29% were living in poverty
- Unstable Housing: 19% reported homelessness at some point in their lives
 41% for Black respondents
- Sovial Account: 47% wore covially accounted at com
- Sexual Assault: 47% were sexually assaulted at some point in their lives
- **Psychological Distress**: 39% reported severe psychological distress *in the month before completing the survey*
- Suicide: 41% attempted suicide at least once in their lifetime

Systemic Discrimination

In the 2015 U.S. Transgender Survey by the National Center for Transgender Equality of 27,000 trans & nonbinary people:

- Employment discrimination
 - Over half of respondents reported hiding their gender identity or transgender status at work to avoid discrimination
 - **30%** reported being fired or experiencing employment-related discrimination
- Housing discrimination
 - 23% reported experiencing housing discrimination
- Inability to access healthcare
 - One-third of respondents reported having at least one negative experience with a healthcare provider and 23% reported not seeing a doctor for fear • of discrimination

Systemic Discrimination

In a National Public Opinion Study conducted by the Center for American Progress in 2020:

- More than one third of respondents faced some form of discrimination in their personal and work lives, including more than 60% for transgender folks
- 51% of respondents experienced harassment or discrimination:

0

- **35% in the workplace**, 20% in housing, 15% with law enforcement
- Over half (52%) of respondents reported that discrimination significantly affected their mental health, with 36% reporting physical impacts
- 65% of respondents changed their behavior to avoid discrimination

Discrimination Against Transgender People

In a National Public Opinion Study conducted by the Center for American Progress in 2020:

- Transgender persons are the **most adversely affected** with 62% reporting discrimination in the year preceding the study
- **Two-thirds (66%)** of transgender respondents reported that discrimination significantly affected their mental health, with 46% reporting physical impacts
- 53% of respondents reported that discrimination affected their ability to be hired, while 47% reported that it affected their ability to retain employment
- 52% of respondents reported hiding personal relationships to avoid discrimination

Discrimination Against Transgender People

In the 2021 Williams Institute study on LGBT People's Experiences of Workplace Discrimination and Harassment :

- Nearly 30% of LGBT employees reported experiencing at least one form of employment discrimination, with transgender individuals at a higher risk
 - Over twice as many (44%) of transgender employees reported not being hired because of their LGBT identity compared to LGB employees (21.5%)
- One in four (25.9%) experienced harassment at some point in their careers
 - Trans people were twice as likely (22.4%) to report recent experiences of sexual harassment compared to 11.9% of cisgender LGB employees.

Discrimination Against Transgender People

In the 2021 Williams Institute study on LGBT People's Experiences of Workplace Discrimination and Harassment :

- Two-thirds (67.5%) of LGBT employees reported hearing negative comments or jokes about LGBT people or being called slurs at work
- Half (50.4%) of respondents are not out to their supervisor
 - One-quarter (25.8%) are not out to **any** of their co-workers
- 36.4% of trans employees changed their **physical appearance** to avoid discrimination in the workplace, and 27.5% changed their **bathroom usage**
- More than a third (34.2) of LGBT employees left a job because of how they were treated based on their sexual orientation or gender identity

Creating Safe Spaces for LGBTQ Individuals

Creating an Inclusive Environment

- 1. Always use a person's **chosen name**, even if it hasn't been legally changed, and use the **correct pronouns**
 - Ask for this information during intake!
- 2. Be mindful of verbal or body language
- 3. Respect a person's privacy and dignity
 - Do not ask personal questions about sexual orientation, body, or gender identity, expression or transition and avoid gossiping

Creating an Inclusive Environment.

- Do not ask to see pre-transition photos or names or ask about a person's genitals or medical transition unless it's relevant to the work.
 If you do need this information, explain why
- 2. Do not imply that a trans person is being "deceptive" or not "real."
 - Do not ask for a person's "real" name or gender or refer to cisgender people as "real" or "biological"
- **3.** Never disclose that a person is trans without their express permission.
- 4. Correct yourself when you misgender someone
 - Do not dwell on a lengthy apology
- 5. Correct others when they misgender someone, regardless of whether the person is present!!!

What Does Discrimination Look Like?

- Refusing to use someone's chosen name, pronouns, or honorific or repeatedly failing to do so (DCHRA § 808.2, Part A)
- Denying access to gender-specific facilities consistent with gender identity or expression (DCMR § 4-801.1(a))
- Asking personal or invasive questions related to sexual orientation or gender identity when irrelevant (DCHRA § 808.2, Part B)
- Failing to use gender-neutral terminology, e.g. 'wife' or 'husband' instead of 'spouse' (DCHRA § 808.2, Part B)
- Permitting staff to use discriminatory or offensive language or otherwise create a hostile work environment (DCMR § 4-801.1(a))
- Prohibiting an individual to dress or groom themselves in a manner consistent with their gender identity (DVGHIRAW 1804e) th 2022

DC Judicial Ethics

- Rule 2.3(B) "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon ... sex, gender, ... [or] sexual orientation, ..., and shall not permit court staff, court officials, or others subject to the judge's discretion and control to do so."
- Rule 2.3(C) "A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to ... sex, gender ... [or] sexual orientation, against parties, witnesses, lawyers, or others."

Final Thoughts

- Never assume someone's gender identity.
- Ask <u>all</u> individuals what name, pronouns, and honorifics they use.
- Treat people according to their self-identified gender and refer to them using terms with which they're comfortable.

• Never "out" a trans person or disclose their gender identity without their permission.

Whitman-Walker Health Gender Affirming Services

Direct Services:

- Legal services (202) 939-7630
- Medical care/general services
 - (202) 745-7000
- Behavioral health care
 - (202) 745-7000
- Peer support groups
 - <u>Peersupport@whitman-walker.org;</u>
 (202) 939-7646
- Surgical referrals
 - <u>Transhealth@whitman-walker.org</u>; (202) 797-4457
- Insurance navigation/Public Benefits
 - (202) 745-6151

Online Resources:

- Name and Gender Change Guides for <u>DC</u>, <u>MD</u>, and <u>VA</u>
- Transgender Resource Guide (<u>English</u> and <u>Spanish</u>)
- Gender Affirming Surgery FAQs (<u>English</u> and <u>Spanish</u>)
 - Process for Letters of Support for Surgeries
 - Community Support Groups
 - Safer Sex for Trans Bodies Guide (<u>English</u> and <u>Spanish</u>)