

## **[Agency's] COMMITMENT TO ENSURE EQUAL ACCESS FOR TRANSGENDER AND GENDER NONCONFORMING CLIENTS**

In accordance with federal, state, and local laws, (*agency*) prohibits all forms of harassment and discrimination of or by clients, employees, visitors, and volunteers, including harassment and discrimination based on actual or perceived gender identity or expression, including transgender status, or based on an individual's association with a person or group with these actual or perceived characteristics.

The term "transgender" will be used to refer to people whose gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Retaliation against an individual who files a complaint of harassment or discrimination against (*agency*) employees, visitors, volunteers, or other clients, or who participates in an investigation of such a complaint, is also strictly prohibited.

(*Agency*) shall ensure that all clients, employees, visitors, and volunteers receive notice of this policy. Failure to comply with this policy by any individual may result in discipline or termination of employment, and/or in removal from the facility.

Federal and state laws require shelters to provide access for people who are transgender on equal terms with others. Discriminating against or turning away an individual seeking shelter because they are transgender violates the law. People who are transgender who are provided shelter access must be given the same access to facilities within those shelters, including sleeping and private spaces, like restrooms and showers.

### **Establishing Gender Identity of Client**

The best way to establish gender identity is to ask the person. A person's self-identification is sufficient to determine whether the person should have access to facilities designated for men or women. Because stereotypes about what men and women should look like may be inaccurate, the practice of selectively asking people their sex in order to gain access to facilities that are lawfully separated by sex risks singling out people who are transgender or people who are gender nonconforming in a manner that is discriminatory and harmful. Accordingly, all clients should have the opportunity to record their gender identity on an intake form. Staff should be trained to look to the intake form to determine a client's gender identity. Staff should never rely on gender stereotypes to single out any individuals for confirmation of their gender identity.

The law does not require people who are transgender, or any person for that matter, to have any particular anatomical or physiological make-up in order to identify as a particular sex or gender. People who are transgender should be treated the same as everyone else accessing shelters. For example, transgender women are women and must be treated as women in all respects, without any inquiry into particular surgeries or other medical treatment. Singling out any woman for different treatment would put her at

risk and would be demeaning and degrading. Furthermore, a woman who appears to others to have a masculine gender presentation may not be singled out for questioning or for different treatment.

Staff shall not inquire into the medical or surgical status of a transgender client's transition. However, it is permissible to ask every person, regardless of gender identity, about medications that are to be kept at the administration counter, specific physical and mental health needs being address by the program, and so forth.

Connecticut law expressly provides for equal treatment of people who are transgender and those who do not conform to gender-based stereotypes while ensuring the safety and privacy of all.

The touchstone for best practices is equal treatment. That is the reason why shelters should have a consistent method at intake for asking about a person's gender identity to determine criteria for admissions.

### **Confidentiality and Privacy**

A person's gender expression or identity or transgender status is confidential and private and shall be treated like all other confidential personal and medical information. Staff should not discuss or disclose a client's gender expression or identity or transgender status to other clients or staff, unless such disclosure is authorized with express permission by the client and necessary for service provision. People who are transgender face elevated risks of violence and stigma. For those reasons, it is especially important that staff not publicly question a transgender person's gender expression or identity or transgender status or make comments that would disclose a client's gender expression or identity or transgender status to others at the shelter. In addition to jeopardizing a person's safety, doing so would create potential liability for discrimination on the shelter's part.

### **Physical Accommodations**

*(Agency)* will make gender-appropriate bathroom and bedroom facilities as well as changing areas available to people who are transgender.

Transgender women are to be permitted to be housed with other women and given the same access as other women to showers and bathrooms. Transgender men are to be permitted to be housed with other men and given the same access as other men to showers and bathrooms.

If a shelter client has a gender identity that is neither male nor female, they should be permitted housing in the facility where the client says they could be most safety and comfortably housed.

All clients should be subject to the same rules about appropriate behavior in bathrooms and showers. No additional rules are required or permitted to be applied exclusively to

transgender clients. If any client raises a serious and founded concern about safety, shelter staff should respond and redress that concern in a timely way.

### **Safety & Privacy of Physical Accommodations**

Any transgender person who expresses safety or privacy needs should be accommodated according to that person's needs and the ability of the agency to provide such accommodations. No person who is transgender may be required to use alternative facilities—including as an "accommodation" for another client's discomfort.

Safety & Privacy accommodations may include:

- Doors on bathroom stalls that can be latched or locked
- Curtains or other devices in bathrooms or showers that provide the client with privacy
- Alternate times to use the bathrooms or showers, if requested
- Monitoring of showers or bathrooms to control entrance and exiting
- Alternate housing arrangements, such as "Special Needs" housing
- Set-aside sleeping, such as rooms or beds that are separate from others, if requested
- Mandatory or automatic segregation of people on the basis of transgender status is not permissible under the law; however, if a person who is transgender requests a separate sleeping area, such request should be granted
- Availability of beds close to night staff

NOTE that people who are transgender may be entitled to reasonable accommodations because of gender dysphoria or other health conditions.

### **Eligibility for Services**

Gender identity and gender expression or transgender status will not be used to deny services to any individual.

### **Provision of Services**

Clients who are transgender or gender nonconforming who are approved for services shall be provided with the same range of services available to other clients.

### **Pronoun Use**

Staff shall refer to clients using a client's requested gender pronoun. This applies to all verbal or written communications with the client, as well as those communications about or in reference to the client with other staff or clients, and in all reports or other documents relating to the client's case.

If staff members are unsure of what pronoun to use in reference to a client, they may privately ask that person what pronoun they prefer. If there is no immediate opportunity to speak with the client, in the interim the client's name should be used to substitute the pronoun (for example: Alex told me that Alex was feeling depressed and would like to participate in the support group), or staff can use a gender-neutral pronoun (e.g. "they"/"them") until they have a chance to confirm the client's preferred gender pronoun.

## **Dress Code**

If a dress code is deemed necessary by the Agency/Organization, it should be gender-neutral. For example, a shelter could require that all clients be covered from the base of their neck to above their knees, rather than specifying that all clients wear pants and a t-shirt.

## **Harassment**

Harassment of all kinds is prohibited. Discriminatory and prejudice-motivated comments or other behavior that creates a hostile environment will not be tolerated whether from staff, volunteers, or other clients. If clients, staff, or volunteers are harassing any person, including a person who is transgender, staff must intervene and ensure that the harassment stops. If a client who is transgender experiences harassment, the incident of harassment must be reported to a staff member as soon as possible, and the shelter staff shall take immediate action to ensure the safety of the client who is transgender. If harassment is committed by staff member(s), the incident of harassment must be reported to the appropriate supervisor(s) as soon as possible, and the shelter supervisor(s) must take immediate action to ensure the safety of the transgender client. All incidents of harassment must be documented in writing, and reported to the Department of Housing [monthly/quarterly/Leigh?].

## **Guidance for Dealing with the Concerns of Other Clients**

If clients approach shelter staff with concerns, fears, or objections to the presence of a client who is transgender, staff must immediately intervene to explain (Agency's) nondiscrimination policy.

When approached by clients who are concerned about sharing accommodations with a person who is transgender, staff should respond as they would to any complaint by any client based on any bias against another client. Staff should be trained to explain to clients that they must be respectful of people who are transgender, that people who are transgender do not pose a threat to anyone else, and that people who are transgender have an equal right to access the shelter.

Another client's discomfort is not a reason to deny access to or equal treatment for a person who is transgender. Clients need to understand that the shelter is a community where everyone is to be welcomed and respected. Staff can deal with these situations the same way they would deal with a situation where a client does not want to sleep near a person with a disability or a person of a different race or religion.

## **Posting and Distribution of Policies**

Anti-discrimination policies must be publicly posted and distributed to staff, volunteers, and clients. Written copies of these policies must be made available to all clients, staff, and volunteers.

## **Training**

In furtherance of these policies, training curricula and educational materials shall be developed for clients, staff, and volunteers. The training curricula and educational

materials developed under this policy shall (1) inform clients, staff, and volunteers about the policy, (2) increase cultural competency about people who are transgender and gender nonconforming, and (3) inform clients, staff, and volunteers how to comply with the policy and the legal rights all people to be free from discrimination on the basis of gender identity or expression or transgender status.

All new shelter staff shall receive this training as part of their orientation and all staff shall receive refresher training on an annual basis in the following areas, including but not limited to:

- o The shelter's policies and procedures regarding transgender people.
- o Terminology used to describe transgender people.
- o Applicable local, state, and federal laws protecting transgender people.