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POLICY BRIEF

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executive summary

Over the last several years, our country has experienced unprecedented progress for transgender Americans. With such progress, however, has come a targeted backlash from some legislators and activists. More and more state and local legislatures across the country are considering controversial bills that would restrict access of gendered public facilities, such as restrooms and locker rooms, based on sex assigned at birth rather than on gender identity. These bills are primarily meant to prevent transgender people from accessing facilities consistent with their gender identity.

This new wave of anti-transgender legislation follows a historical precedent of using legislation to preempt or invalidate laws or ordinances that provide equal rights and protection from discrimination to gay, lesbian, bisexual, and transgender people. Most recently, this was seen when conservative voters used a referendum to repeal Houston’s Equal Rights Ordinance, which would have provided protection against discrimination on the basis of gender identity in public accommodations. Though the Houston ordinance provided protections for 15 classes of people across multiple areas of life, opponents branded it as a “bathroom bill” and played on the general population’s lack of knowledge about transgender people to evoke fear and anxiety.

In Houston and in other states and localities where anti-transgender bathroom bills have emerged, opponents of equality argue that allowing transgender people to use public bathrooms that align with their gender identity would increase the risk of sexual harassment and voyeurism, especially in the case of a transgender woman using female facilities. However, research has shown that there is no evidence to back this assertion. Instead of increasing public safety, these bathroom bills may potentially increase hostility towards transgender and gender nonconforming people and further marginalize other people outside of the transgender community, such as intersex people. For example, a survey of transgender people in Washington, DC showed that 70% of respondents reported being harassed, abused, or denied access to public restrooms, and this mistreatment was correlated with negative effects on education, employment and participation in public life. Anti-transgender bathroom bills likely also have a detrimental effect on the health and wellbeing of transgender people by increasing stigma and undermining the important principle of equal access. A survey of transgender people in Massachusetts showed that 65% of respondents reported being discriminated against in public accommodations in the last 12 months, and this discrimination was correlated with poorer mental and physical health outcomes. These anti-transgender bathroom bills preempt or ban nondiscrimination laws and ordinances inclusive of gender identity in important areas of public life that are necessary for the safety and wellbeing of transgender people.

introduction

Starting as early as the 1970s, debates and political struggles over sexual orientation nondiscrimination laws have been a part of the public discourse. Twenty five years ago, passage of state and local laws banning discrimination on the basis of sexual orientation evoked efforts to repeal or preemptively ban such legislation.¹ Today, state and local laws banning discrimination on the basis of gender identity in public accommodations has evoked a similar response. While the U.S. lacks explicit federal sexual orientation and gender identity nondiscrimination laws, 17 states and the District of Columbia have laws banning discrimination on the basis of sexual orientation and gender identity in employment, housing, and public accommodations. Two additional states, Massachusetts and Utah, have laws banning discrimination on the basis of sexual orientation and gender identity, but do not ban discrimination in public accommodations on the basis of gender identity. Another four states have laws banning discrimination based on sexual orientation, but not gender identity. In addition, more than 200 municipal statutes ban sexual orientation and gender identity discrimination.²

With the recent ruling of the United States Supreme Court to legalize same-sex marriage in all states, a new key legal battleground in LGBT equality centers on discrimination against transgender individuals. In particular, transgender people's ability to access gendered facilities within public accommodations has raised vocal objections from opponents of nondiscrimination laws inclusive of gender identity. In 2015, the state legislatures of Texas, Kentucky, Florida, Minnesota and Missouri all considered bills restricting access to gendered bathrooms and locker rooms. These bills were measures aimed at preventing transgender people from entering facilities appropriate to their gender identity, on penalty of criminal prosecution. All of the anti-transgender bathroom bills were proposed as a way of preempting or invalidating state, municipal, or organizational-level decisions regarding access to shared facilities within public accommodations. In Texas, HB 1748 was put forward in response to the Houston Equal Rights Ordinance (HERO), which was amended in 2014 to ban discrimination on the basis of gender identity or expression, among other protected categories.³ While that legislation was never passed, in November 2015, HERO was repealed by popular vote, following concentrated efforts by anti-transgender organizations that claimed that the ordinance would allow men to harass women and girls in bathrooms.⁴ The repeal of HERO in Houston stripped legal protection against discrimination not only on the basis of gender identity, but on 14 other protected classes of people covered under the ordinance, including veterans, pregnant women, and racial and ethnic groups.⁵

In Kentucky, a proposed bill aimed to overturn a decision made by Atherton High School to allow transgender students at the school to choose which facilities to use.⁶ In Minnesota, a bill was put forward



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in response to a similar decision regarding use of facilities by transgender students made by the Minnesota State High School League.⁷ In Texas⁸ and Florida,⁹ the bills would prohibit the use of all gendered public facilities by those of the opposite gender, regardless of gender identity. The bills in Kentucky¹⁰ and Minnesota¹¹ focused on public schools, restricting the use of locker rooms, changing rooms and restrooms by people whose sex assigned at birth does not match their current gender identity. In Missouri,¹² the bill was crafted in a slightly different way, preventing the creation of multi-stall, unisex bathrooms.

Although legislation introduced in Kentucky and Florida in 2015 was defeated, and a similar proposal failed to pass in Arizona in 2013, anti-transgender bathroom bills in other states continue to move forward. This may be in response to the growing number of cities, counties, and towns within these states that have enacted nondiscrimination ordinances that include gender identity. Cities and counties in the aforementioned states that have implemented such policies include¹³:

	Atlantic Beach, Alachua County, Broward County, Gainesville, Key West, Lake Worth, Leon County, Miami Beach, Monroe County, Palm Beach County, Pinellas County, Volusia County, West Palm Beach
FLORIDA	
	Covington, Danville, Frankfort, Jefferson County, Lexington, Lexington-Fayette County, Louisville, Morehead, Vicco
KENTUCKY	
	Minneapolis, St. Paul
MINNESOTA	
	Columbia, Clayton, Kansas City, Kirkwood, Olivette, St. Louis County, St. Louis, University City
MISSOURI	
	Austin, Dallas County, Dallas, Fort Worth
TEXAS	

The move by anti-LGBT activists and legislators to pass laws preventing transgender people from using bathrooms in accordance with their gender identity is at least the third wave of legislation aimed at overturning municipal nondiscrimination ordinances or preemptively preventing people from accessing a right then being debated in the courts. The first wave involved ballot campaigns to repeal or prevent the passage of sexual orientation

nondiscrimination laws. These ballot campaigns occurred from 1974 until the early 2000s. The second wave involved the anti-same-sex marriage laws passed starting in the mid-1990s, and ballot campaigns to ban state recognition of same-sex marriage put forth by antigay activists from the early 2000s through 2012.¹⁴ The third wave is this current set of legislation aimed at undermining or gutting local nondiscrimination ordinances, ranging from overly broad state Religious Freedom Restoration Acts—which could allow businesses to refuse service to LGBT customers on religious grounds—to this new anti-transgender legislation. Opponents of equality cite public safety as their main focus, claiming that ensuring access to shared facilities based on gender identity, rather than biological sex at birth, increases the risk of voyeurism and sexual assault.¹⁵ LGBT advocates and supportive legislators, on the other hand, argue that such measures are unnecessarily stigmatizing and exclusionary, and that they make it very difficult for transgender people to leave their homes to work, go to school, socialize, and otherwise live their lives without significant anxiety about how they will access bathrooms when the need arises.¹⁶ As reviewed below, there is no evidence to suggest that expanding nondiscrimination ordinances to cover gender identity will lead to increased incidents of violence. The denial of equality has significant negative consequences for transgender people.

no links between expanding the rights of transgender people and incidents of harassment

Proponents of the anti-transgender bathroom bills argue that they are common sense policy measures aimed at increasing public safety, and indicate that any inconvenience that the laws would create for a small minority of people is both easily resolved and minimal in comparison to the alleged benefits. In addition, opponents of gender identity nondiscrimination laws claim that they will allow a non-transgender man to dress as a woman in order to go into a women’s room to sexually harass women or girls.¹⁷ Despite these assertions, such behavior would not be protected by a gender identity nondiscrimination law, and there are no data showing that allowing transgender people to use sex-segregated facilities, like restrooms, in line with their gender identity will lead to an increase in sexual harassment or abuse of the other people using the facilities.¹⁸ Media Matters conducted interviews with heads of state police departments and civil and human rights organizations from 12 states that have nondiscrimination laws that protect transgender people in public accommodations settings. Not one of the participants indicated any increase in sexual harassment or abuse as a result of passing the nondiscrimination laws.¹⁹ For example, Minnesota amended its Human Rights Act to prohibit discrimination against transgender people in employment, housing, and public accommodations in 1993. Minneapolis police spokesman John Elder told Media Matters in an interview that sexual harassment and assault as a result of the transgender nondiscrimination law have not been “even remotely” a problem.²⁰



The anti-transgender bathroom bills contribute to the marginalization and stigmatization of a group that already faces significant discrimination, which has been shown repeatedly to negatively affect physical and mental health.



Similarly, in Maine, which implemented a gender identity nondiscrimination law in 2005, the executive director of the state's Human Rights Commission said that there was "no factual basis" for the fear surrounding sexual assault.²¹ In a testimony before the Delaware state senate's judiciary committee regarding a gender identity nondiscrimination bill, Delaware Deputy Attorney General Patricia Dailey Lewis said that "to suggest that children are going to be attacked [because of this law] is offensive and exploitative to children and to the parents that seek to protect them."²²

denying transgender people access to public spaces leads to negative outcomes

Supporters of equality have voiced concerns about the enforceability of these anti-transgender bathroom bills and the potential sanctioning of hostility, aggression or abuse towards transgender people. In order to make determinations about accessing facilities, these bills use definitions of sex and gender that rely on either phenotypic appearance or chromosomal genotype. The Minnesota bill denotes sex as "the physical condition of being male or female, which is determined by a person's chromosomes and is identified at birth by a person's anatomy."²³ In Texas, HB 1748 states: "A male is an individual with at least one X chromosome and at least one Y chromosome, and a female is an individual with at least one X chromosome and no Y chromosomes."²⁴ In addition, the Texas legislation specifically places responsibility of enforcement on the people maintaining the public facility in question, citing non-compliance as a felony. The definitions of sex and gender within the legislation could require physical or genetic proof of sex from patrons who appear to be gender nonconforming, and could potentially promote abuse of and discrimination against transgender and gender nonconforming people by those who operate public facilities.

A provision of the Kentucky bill, which was specific to educational facilities, suggested that separate accommodations be made available to transgender students, but only those who "...[assert] to school officials that his or her gender is different from his or her biological sex and whose parent or legal guardian provides written

consent to school officials."²⁵ Though appearing to be a compromise position, this stipulation requires transgender and gender nonconforming children and teenagers to be willing to disclose their gender identity to their families and for the families to be willing to support them in seeking alternative facilities. Many transgender youth struggle to gain acceptance from their parents and would not be able to get parental consent.²⁶ If the student transitioned prior to attending that school, a requirement for separate facilities could effectively disclose their personal medical history to their fellow students, as well as faculty and staff. Furthermore, subjecting transgender students to such requirements places an undue burden on the student and reinforces stigma. Even without anti-transgender bathroom bills in place, a third of LGBT students already report feeling unsafe at school because of their gender identity or expression.²⁷ These negative environments diminish their ability to receive a full and equal educational experience.

Another concern about the consequences of this legislation has been the targeting of other marginalized groups other than transgender people, including lesbian, gay and bisexual people. When questioned, Kentucky Senator C.B. Embry was adamant that the bill "has nothing to do with homosexuality."²⁸ However, the wording of these bills may actually create some problems for same-sex parents. For example, the Florida bill, despite having a specific exemption for facilities "that are conspicuously designed for...family use,"²⁹ contained no provision for parents who are accompanying children into public restrooms, and therefore would have created significant restrictions for same-sex parents or single parents who have children of the opposite gender.

The wording of this legislation is likely to also negatively affect intersex people. For instance, the designation of gender as determined by specific sets of sex chromosomes effectively ignores the reality of intersex people. Intersex describes a group of conditions where there is a discrepancy between the external genitals and the internal genitals (the testes/ovaries) or sex chromosomes.³⁰ It generally refers to a variety of conditions in which a person has reproductive organs, sexual anatomy, and/or chromosome patterns that do not fit the typical definition of "male" or "female." Under Texas bill HB 1748, those who suffer from androgen insensitivity syndrome, and are therefore phenotypically

female despite possessing a Y chromosome, or those who suffer from de la Chapelle syndrome, and are therefore phenotypically male despite possessing two X chromosomes, could potentially be prevented from using certain facilities.

In addition to concerns regarding enforceability or marginalization of people beyond the transgender community, anti-transgender bathroom bills also pose a significant public health problem for transgender people. While there is no statistical evidence to support the claim that such legislation enhances public safety, there is statistical evidence that shows the wide array of harmful physical and mental health outcomes that affect transgender people as a result of discrimination in public accommodations. While public accommodations include retail and grocery stores, hospitals, hotels, and restaurants, access to bathrooms and sex-segregated facilities within those spaces remain a core component of full and equal access to public accommodations. A 2013 survey of 452 Massachusetts transgender and gender nonconforming adults carried out by the Fenway Institute and the Massachusetts Transgender Political Coalition found that 65% of respondents had experienced discrimination in public accommodations during the previous 12 months.³¹ This discrimination in public accommodations was significantly associated with a wide array of deleterious physical and mental health outcomes for the respondents. For example, 55% of respondents who felt discriminated against in public accommodations based on their gender identity or gender expression reported physical symptoms of stress, such as headache, upset stomach, tensing of muscles, or pounding heart within the past 30 days. In contrast, only 37% of respondents who did not report any discrimination in public accommodations reported the same physical symptoms within the past 30 days. Public accommodations discrimination was also significantly associated with an asthma diagnosis and a gastrointestinal diagnosis.

Anti-transgender bathroom bills also pose a significant public health problem for transgender people.

Public accommodations discrimination was also significantly associated with mental health problems. Overall, 68% of respondents reported experiencing

negative emotional symptoms, such as feeling emotionally sad, upset, or frustrated as a result of how they were treated based on their gender identity or gender expression within the past 30 days. Public accommodations discrimination in the past 12 months was also significantly associated with past-week depression. Lastly, discrimination in public accommodations was also significantly associated with several negative health care utilization behaviors, including postponing needed medical care when sick or injured, postponing routine preventive care, and postponing care that resulted in having a medical emergency that required going to the emergency room or urgent care.

Other studies have shown the negative impact that discrimination in public restrooms can have on transgender people's education, employment, and participation in public life. For example, in a survey of transgender and gender nonconforming people living in Washington, DC, 70% of survey respondents reported being harassed, assaulted, or denied access to public restrooms.³² The study went on to identify the impact this sort of discrimination in public restrooms had on the lives and wellbeing of the transgender and gender nonconforming participants. The study found that, of the respondents who went to school in Washington, DC, 10% reported negative consequences such as excessive absence and dropping out because of issues related to bathroom access. Of the respondents who worked in Washington, DC, 27% experienced being verbally harassed or denied access to the restrooms at their place of employment. These problems contributed to poor job performance, excessive absence, and excessive tardiness in some participants, and even caused some to quit or change jobs. Lastly, the study showed that 58% of respondents reported avoiding going out in public because of concerns that they had regarding safety in the public restrooms. Many respondents reported using elaborate strategies if they could not avoid going out in public, such as stopping off at a nearby friend's house to use the bathroom or only going out in public during "off peak" times when traffic is likely to be lower. Being able to use a public bathroom is a fundamental requirement for equal access to opportunities for education, employment, or socialization. Denying access to public spaces, including facilities like bathrooms, has significant negative consequences for transgender and gender non-conforming people.

expanding access: advances in nondiscrimination policies covering gender identity

While the proposed legislation in these states is harmful and discriminatory, other government entities are taking steps to support transgender people and expand access to these important facilities. Recently, the U.S. Occupational Safety and Health Administration released guidance which recommends that employees should be allowed to “determine the most appropriate and safest option for him- or herself”.³³ Although this guidance only describes best practices and is not legally binding, it reflects a growing trend of rulings and legislation in support of gender identity nondiscrimination. In April 2015, for example, the Equal Employment Opportunity Committee ordered the United States Army to pay damages to a transgender employee who had been prevented from using the female bathrooms.³⁴ Enforced provision of a non-gendered, single-stall facility—something that was cited as a defense in this case and that has been suggested as a compromise by supporters of the bathroom bills—is still regarded as discriminatory by both OSHA and the Equal Employment Opportunity Committee. States that are attempting to create restrictions within an educational setting may also be in contravention of existing legislation. Guidance on the implementation of Title IX of the Education Amendments of 1972³⁵ was released by the United States Department of Education in 2014, specifying that “Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.”³⁶ Also, Section 1557 of the Affordable Care Act references existing federal civil rights statutes as preventing discrimination in health care settings. The new proposed rule issued by the Office for Civil Rights at the U.S. Department of Health and Human Services explicitly prohibits discrimination based on gender identity in the covered health care entities, including private health insurers, state Medicaid programs, and health care facilities that accept federal funding.³⁷

Restrictions on access to public accommodations that target the transgender community would limit the ability of transgender people to function in most public spaces. The inability to use public restrooms would act as a barrier to even the most basic of social interactions, such as the utilization of cinemas and restaurants, and would create yet another obstruction to full participation in society. The anti-transgender bathroom bills currently under consideration in several states are much more than guidance on the use of individual public facilities. They contribute to the marginalization and stigmatization of a group that already faces significant discrimination, which has been shown repeatedly to negatively affect physical and mental health.³⁸ Policy-makers should carefully review any proposed legislation regarding the use of public accommodations, in order to

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ensure that the health and wellbeing of all the state's citizens is preserved. Instead of passing bills that target and discriminate against transgender people, states should pass laws that protect the rights of all Americans to access public accommodations regardless of their gender identity.

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REFERENCES

1. Stone, Amy L. *Gay Rights at the Ballot Box*. University of Minnesota Press, Minneapolis. 2012.
2. American Civil Liberties Union, “Non-Discrimination Laws: State by State Information,” 2015. [Online]. Available: <https://www.aclu.org/map/non-discrimination-laws-state-state-information-map>. [Accessed: 18-Jun-2015].
3. “City of Houston, Texas, Ordinance Number 2014-530,” 2014. [Online]. Available: http://www.houstontx.gov/equal_rights_ordinance.pdf. [Accessed: 18-Jun-2015].
4. Fernandez, Manny and Smith, Mitch. “Houston Voters Reject Broad Anti-Discrimination Ordinance.” *The New York Times*. Nov. 3, 2015. Accessed at: <http://www.nytimes.com/2015/11/04/us/houston-voters-repeal-anti-bias-measure.html>
5. Strangio, Chase. “Houston, We Have a Problem.” American Civil Liberties Union. Nov. 4, 2015. Accessed at: <https://www.aclu.org/blog/speak-freely/houston-we-have-problem>.
6. M. Wynn. “Transgender bathroom bill passes Kentucky Senate.” *The Courier-Journal*. March 1, 2015. Accessed at: <http://www.courier-journal.com/story/news/politics/ky-legislature/2015/02/27/transgender-bathroom-bill-passes-kentucky-senate/24130083/>
7. T. Pugmire, “Bill would reverse transgender sports policy,” *MPR News*, March 9, 2015. [Online]. Available: <http://blogs.mprnews.org/capitol-view/2015/03/bill-would-reverse-transgender-sports-policy/>. [Accessed: 18-Jun-2015].
8. “Act relating to the use of public locker rooms, showers facilities, toilet facilities; creating a criminal offense. HB 1748. Legislature of the State of Texas,” 2015. [Online]. Available: <http://www.legis.state.tx.us/tlodocs/84R/billtext/pdf/HB01748I.pdf#navpanes=0>. [Accessed: 18-Jun-2015].
9. “Act relating to single-sex public facilities, HB 583, Legislature of the State of Florida.” [Online]. Available: http://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?FileName=_h0583__.docx&DocumentType=Bill&BillNumber=0583&Session=2015. [Accessed: 18-Jun-2015].
10. “Student Privacy Act, 15RS SB76, General Assembly of the Commonwealth of Kentucky,” 2015. [Online]. Available: <http://www.lrc.ky.gov/record/15RS/SB76.htm>. [Accessed: 18-Jun-2015].
11. “Student Physical Privacy Act, SF 1543, 89th Legislature,” 2015. [Online]. Available: https://www.revisor.mn.gov/bills/text.php?number=SF1543&version=0&session=1s89&session_year=2015&session_number=0. [Accessed: 18-Jun-2015].
12. “House Bill No, 1338, 98th General Assembly.” [Online]. Available: <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB1338I.PDF>. [Accessed: 18-Jun-2015].
13. Human Rights Campaign. “Cities and counties with non-discrimination ordinances that include gender identity.” 2015. Accessed at: <http://www.hrc.org/resources/entry/cities-and-counties-with-non-discrimination-ordinances-that-include-gender>
14. Cahill, S. *The Anti-Gay Marriage Movement. The Politics of Same-Sex Marriage*. 2007. Rimmerman, C., & Wilcox, C. (Eds.). Chicago: University of Chicago Press. 155-191.

15. Steinmetz, Katy. "States Battle Over Bathroom Access for Transgender People." Time. March 6, 2015. Accessed at: <http://time.com/3734714/transgender-bathroom-bills-lgbt-discrimination/>
16. Herman, Jody L. "Gendered Restrooms and Minority Stress: The Public Regulation of Gender and its Impact on Transgender People's Lives." Journal of Public Management and Social Policy. Spring 2013.
17. Hunter, Melanie. "Houston's Proposed Bathroom Ordinance for Transgenders 'Endangers Women and Girls,' Group Says." CNS News. August 26, 2015. Accessed at: <http://www.cnsnews.com/news/article/melanie-hunter/houstons-proposed-bathroom-ordinance-endangers-women-and-girls-group>
18. Brinker, L and Maza, C. 15 Experts Debunk Right-Wing Transgender Bathroom Myth. Media Matters. March 20, 2014. Accessed at: <http://mediamatters.org/research/2014/03/20/15-experts-debunk-right-wing-transgender-bathro/198533>
19. Supra, note 18.
20. Ibid.
21. Ibid.
22. Jen Rini, "Lawmakers debate gender identity nondiscrimination bill." Delaware State News. June 6, 2013, available at <http://delaware.newspaper.com/centraldelaware/123007-70/lawmakers-debate-gender-identitynon-discrimination-bill>.
23. Supra, note 11.
24. Supra, note 8.
25. Supra, note 10.
26. Mottet, L. "The education and policy needs of transgender individuals." SIECUS report: The Politics of Sexuality Education. 2004. 32(4), 35-8.
27. Kosciw JG et al., "The 2013 National School Climate Survey" (Washington: GLSEN, 2014) available at https://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report_0.pdf
28. Supra, note 6.
29. Supra, note 9.
30. U.S. National Library of Medicine. "Intersex." U.S. Department of Health and Human Services. National Institutes of Health. Updated August 2013. Accessed at: <https://www.nlm.nih.gov/medlineplus/ency/article/001669.htm>
31. Reisner, SL, White, JM, Dunham, EE et al. "Discrimination and Health in Massachusetts: A Statewide Survey of Transgender and Gender Nonconforming Adults." Project VOICE Policy Report. The Fenway Institute and Massachusetts Transgender Political Coalition. 2014. Accessed at: <http://fenwayhealth.org/documents/the-fenway-institute/policy-briefs/The-Fenway-Institute-MTPC-Project-VOICE-Report-July-2014.pdf>

32. *Supra*, note 16.
33. Occupational Safety and Health Administration, “A Guide to Restroom Access for Transgender Workers,” 2015. [Online]. Available: <http://www.dol.gov/asp/policy-development/TransgenderBathroomAccessBestPractices.pdf>. [Accessed: 18-Jun-2015].
34. *Ibid*.
35. Title IX of the Education Amendments of 1972 is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.
36. Assistant Secretary for Civil Rights Catherine E. Lhamon, Office for Civil Rights. “Questions and Answers on Title IX and Sexual Violence.” United States Department of Education. April 29, 2014. Accessed at: <http://translaw.wpengine.com/wp-content/uploads/2014/04/qa-201404-title-ix.pdf>
37. Department of Health and Human Services Notice of Proposed Rulemaking. “Nondiscrimination in Health Programs and Activities.” RIN 0945-AA02. 2015. Accessed at: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2015-22043.pdf>
38. *Supra*, note 31.

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