Faculty Diversity

A Union of Professionals

AFT Higher Education

Creating a Positive Work Environment for LGBT Faculty: What Higher Education Unions Can Do

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A Division of the American Federation of Teachers

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Executive Summary

OUR EDUCATIONAL SYSTEM IS BEST SERVED by being open to and representative of the vast diversity of the American people. Students from all backgrounds should feel welcome when they enter our institutions. They should see teachers and staff who reflect their world and the world at large.

With this in mind, the American Federation of Teachers launched a series of reports on ensuring a diverse faculty in higher education. The first was *Promoting Racial and Ethnic Diversity in the Faculty* (2010), followed by *Promoting Gender Diversity in the Faculty* (2011). We are proud to expand our commitment to equality with this new report about lesbian, gay, bisexual and transgender (LGBT) diversity in higher education.

Over the past four decades, the nation has seen an explosion of LGBT activism. A movement that was once confined to large metropolitan areas has spread, now touching nearly every college campus. Recent campaigns—at the state level, regarding marriage equality, and at the federal level, regarding the repeal of "don't ask, don't tell," which finally allows LGBT military personnel to serve openly—have further raised the profile of issues affecting LGBT Americans and their families. Yet, clearly, there is more work to be done. Far too many people still encounter discrimination based on their individual sexual identity, gender identity, and/or gender expression. We as a union believe this discrimination is not acceptable.

The Unites States Constitution and subsequent laws like the Civil Rights Act of 1964 protect citizens from discrimination on the basis of race, ethnicity and sex. But for LGBT people, the biggest obstacle to full equality is that the LGBT community lacks federally protected status. This void can leave LGBT people who experience discrimination with no legal recourse to address the violation of their rights. It also creates a secondary problem: the difficulty in documenting the extent of discrimination still experienced by the LGBT population. In the policy arena, we don't see what we don't count.

Having the federal government explicitly extend full civil rights protections to LGBT people is paramount in the struggle for equality for this population.

As we have seen, civil rights laws do not change overnight, but we can fight prejudice now. In fact, the college environment is ripe for efforts to change conditions. In this report, we examine how the campus climate for LGBT faculty, staff and students affects their lives, and explore the role higher education unions can play to concretely improve the environment for the LGBT population, both on and off campus.

Key Findings

Here are the key findings:

- LGBT discrimination is real. LGBT faculty, staff and students still experience the negative impacts associated with homophobia, discrimination, and perceived or actual threats to their physical safety.
- It matters that various bases for discrimination intersect. In order to improve the campus climate for LGBT people of color, for example, we must confront discrimination based not only on sexual identity, gender identity and gender expression, but also on race and ethnicity.
- Institutional commitment matters. Institutions can show support for the LGBT community by providing resources and setting policies that address LGBT concerns. Overall, creating equitable policies for this population has a positive impact on the campus climate for everyone.
- The academy provides an intellectual home for LGBT diversity. It is important that the LGBT community sees itself openly reflected in the intellectual life of the academy—that its members' contributions are noted and that their scholarship is valued.

Recommendations

We have examined best practices that labor unions and LGBT advocacy organizations have used to improve the climate in educational settings and in the community. Based on that review, the AFT calls on its local and state affiliates to implement the following recommendations:

- Advocate for stronger laws and regulations at the municipal, state and federal levels to ensure full civil rights protections are extended to the LGBT community.
- Ensure local unions are LGBT-inclusive by:
  - Recruiting LGBT activists to be leaders in the local;
  - Initiating discussion of LGBT issues and actions to address them; and
  - Educating members about LGBT issues.
- Involve the local in improving the campus climate by:
  - Engaging with on-campus LGBT resources and support organizations;
  - Ensuring institutional policies are LGBT-inclusive;
  - Prioritizing LGBT issues in discussions of campus diversity;
  - Identifying staff and faculty offices as "safe spaces" for LGBT students;
  - Working to make the curricula more LGBT-inclusive; and
  - Incorporating LGBT issues in on-campus trainings for relevant personnel.
- Review the local's collective bargaining agreement to ensure it addresses the needs of LGBT members.
- Bargain contract language that is LGBT-inclusive, specifically including:
  - Nondiscrimination clauses that cover sexual identity, gender identity and gender expression;
  - Equal access to employee leave benefits; and
  - Equal access to employee health benefits.

If the lives of our LGBT members and students are to improve, our unions must be at the forefront in the fight for equity. This report's recommendations and the resources it offers can help local affiliates integrate LGBT issues into the work they are already doing and become partners in the movement to achieve full LGBT equality.

Introduction

The movement for lesbian, gay, bisexual and transgender (or LGBT) equality, including equality in the workplace, dates back to the late 1960s and the explosion of new social movements that emerged during that historic decade. In the intervening years, these movements have made important, if piecemeal, strides: removing homosexuality from the American Psychiatric Association's list of mental disorders; placing LGB- and LGBT-specific anti-discrimination laws on the books in several states, counties and municipalities; and transforming social and cultural attitudes toward this diverse population. Recent victories have included getting the United States government to allow LGB members of the military to serve openly and, despite setbacks in the early 2000s, pushing a small but growing number of states to grant same-sex couples access to the basic civil right of marriage. The results of the 2012 election ratified a new consensus on the rights of LGBT individuals: For the first time, the president of the United States openly supports marriage equality (and was subsequently re-elected), and voters in four states made history by decisively affirming an expanded definition of civil marriage that includes LGBT people.

Progress on LGBT equality in the workplace during this time has been no less dramatic. In 1970, the American Federation of Teachers became the first labor union to call for an end to discrimination based on sexual orientation (in 2007, the AFT also went on record calling for an end to discrimination based on gender identity and expression). In 1974, a boycott of Coors beer helped put an end to a particularly aggressive anti-union campaign in which prospective employees were given lie detector tests that asked not only about their union views, but also about their sexual orientation. Since then, many union and nonunion workplaces have committed themselves to ending discrimination based on sexual orientation and to ensuring their personnel policies are inclusive of same-sex couples. In the intervening decades since 1970, the AFT has continually reaffirmed its support for the rights of LGBT workers in the workplace and in the broader society, including resolutions advocating for educational and workplace equity for sexual minorities (1988), barring the AFT from holding its conventions and conferences in municipalities that enforce legal codes discriminating against LGBT individuals (1994), supporting legal protections for transgender workers (2003), and endorsing the Employment Non-Discrimination Act (2010). Some workplaces are beginning to extend these same protections and benefits on the basis of gender identity. While progress in the workplace is being made, it is by no means universal, and the push for LGBT equality is often still misunderstood as a demand for "special rights."

The universality of progress for LGBT equality in the workplace—and in society—is undermined by one simple but important fact: *sexual identity*[1]*, gender identity*[2] *and gender expression*[3] *do not have any sort of protected legal status under federal*

law. Unlike race, ethnicity and gender (the subjects of our previous reports on faculty diversity), there is simply no federal legal framework within which equal rights for LGBT people can be enforced[4]. As we will see, this lack of a framework also creates secondary problems in being able to collect data that would enable analysts to understand how pervasive the discrimination against LGBT people actually is. As it currently stands, the biggest obstacle to achieving LGBT equality in the workplace—to even understand how extensive the obstacles are—is the lack of protected status for LGBT individuals.

In this legal environment, the ability to make changes that would benefit the LGBT community through collective bargaining or other forms of collective action can only go so far. For example, even though a union could bargain retirement benefits that cover a variety of different relationship types, including same-sex relationships, Internal Revenue Service rules would currently impose an excise tax on benefits that are transferred to unmarried partners. As only a handful of states recognize same-sex marriages—and the legal rights and benefits that go with them—the IRS rules are applied in a differential manner depending on whether a same-sex couple happens to live in a state not only where their relationship type is recognized, but also where they have the right to marry. This is a political question, and one that must be resolved through action ensuring that LGBT people are fully covered by the same rights enjoyed by their heteronormative peers.

Despite this, the higher education workplace would seem to be a likely candidate for taking the lead on issues of LGBT equality, and in many instances, colleges and universities have been at the cutting edge of LGBT workplace issues. But as the following report will show, there is still much work that can be done to ensure the members of the higher education workforce who identify as LGBT are treated with dignity and have access to the same rights and privileges as their colleagues.

Why LGBT? A Note on Terminology

Before we go into the substance of the report, we'd like to take a moment to discuss our use of the term "LGBT." We acknowledge that there is a great deal of debate within the academic and activist communities about the nomenclature that best embraces the heterogeneity of this population. While we understand that "lesbian, gay, bisexual and transgender" as a term does not fully accomplish this, we want to make clear that our intention in this report is to describe what is faced by the full range of people whose sexual orientation, gender identity and/or gender expression do not conform to heteronormative categories. This includes people who are questioning in their sexual and/or gender identity, transgender people—both those who have had sex reassignment surgery and those who have not, individuals who identify as "genderqueer," and gender nonconformists. We are following the convention used by the Williams Institute, a national think tank based at the UCLA School of Law in using the term "LGBT." While we hope this report will be useful in helping higher education unions address issues that are important to everyone in this incredibly diverse population, we do acknowledge there may be blind spots in our analyses and recommendations. It is our sincere hope that the resources we provide will offer insight and aid to individuals and organizations in resolving issues we were unable to address.

There may be other terms in this report with which readers are unfamiliar. We define those terms in endnotes when they first appear in the text.

Overview

Our two previous reports on faculty diversity—one on racial and ethnic diversity, the other on gender diversity—focused on the underrepresentation of racial and ethnic minorities and women in at least some parts of the academy. They also documented wage gaps between these demographic groups and their white male colleagues. In this report, we have been forced to take a different tack: Instead of focusing on issues of underrepresentation and economic discrimination, we will instead be focusing on the campus climate for the LGBT population and how to improve it. The reason for this approach is fairly simple: We do not have the information necessary to make claims about wages or issues of representation, as the data sources we commonly use (i.e., the U.S. census and the Integrated Postsecondary Education Data System) do not track sexual orientation and have no means of tracking a transgender identity.

As stated above, the reason for this lack of data is that there is no federal framework around which data can be collected. Categories such as race, ethnicity and gender (among others) have been recognized by the federal government as having been to the basis for discriminatory behavior, and as such, an anti-discrimination regime has been implemented and data collected to track its progress. The Employment Non-Discrimination Act,[5] which would extend protections based on sexual orientation and gender identity, has not had the required political support to become law. Even if a federal framework did exist by which this data could be systematically tracked, there is no consensus among methodologists about how to even define the LGBT population:

> In measuring sexual orientation, lesbian, gay, and bisexual individuals may be identified strictly based on their self-identity or it may be possible to consider same-sex sexual behavior or sexual attraction. Some surveys ... also assess household relationships and provide a mechanism of identifying those who are in same-sex relationships. Identity, behavior, attraction, and relationships all capture related dimensions of sexual orientation but none of these measures completely addresses the concept.
>
> Defining the transgender population can also be challenging. Definitions of who may be considered part of the transgender community include aspects of both gender identities and varying forms of gender expression or nonconformity. Similar to sexual orientation, one way to measure the transgender community is to simply consider self-identity. Measures of identity could include consideration of terms like transgender, queer, or genderqueer. The latter two identities are used by some to capture aspects of both sexual orientation and gender identity.[6]

In addition to the question of how best to define sexual orientation and gender identity for the purposes of data collection, other issues arise due to the stigmatization historically experienced by this population and the incredibly intimate nature of the question:

> Another factor that can create variation among estimates of the LGBT community is survey methodology. Survey methods can affect the willingness of respondents to report stigmatizing identities and behaviors. Feelings of confidentiality and

anonymity increase the likelihood that respondents will be more accurate in reporting sensitive information. Survey methods that include face-to-face interviews may underestimate the size of the LGBT community while those that include methods that allow respondents to complete questions on a computer or via the internet may increase the likelihood of LGBT respondents identifying themselves. Varied sample sizes of surveys can also increase variation. Population-based surveys with a larger sample can produce more precise estimates.[7]

The problem is compounded when we try to isolate higher education as a sector of the workforce. There are simply no systematic national surveys of the LGBT workforce in higher education from which we can draw general conclusions, either in terms of their representation relative to the general population or in terms of their economic disposition. However, there *does* exist a great deal of research on how hospitable colleges and universities—both individually and in the aggregate—are for LGBT workers. Therefore, our report will focus on the rich literature about the campus climate for LGBT faculty and staff and will make recommendations based on that literature.

Before going into an investigation of the campus climate, however, it makes sense to review the demographic estimates that do exist for the LGBT population.

- An estimated 3.5 percent of the adult population in the United States identifies as gay, lesbian or bisexual. Another 0.3 percent identifies as transgender. This translates to roughly 9 million people identifying as LGBT.
- About 1.8 percent of adults identify as bisexual, while 1.7 percent identify as gay or lesbian.
- Beyond just those who identify as LGB, about 8.2 percent of the adult population report they have engaged in same-sex sexual behavior, and 11 percent acknowledge at least some same-sex sexual attraction.[8]
- 2010 census data[9] indicates there are more than 646,000 same-sex couples in the United States.[10]

Again, there are no studies that examine LGBT pay discrepancies in higher education, but a few studies have examined the economic challenges faced by LGBT individuals in the general population. Twelve different research studies have identified a significant pay gap for gay men relative to their straight peers, and census data shows that men in same-sex couples earn less than married straight men in 47 states and in the District of Columbia. Women in same-sex couples, on the other hand, tend to earn the same or more than their straight counterparts (although they earn less than both gay and straight men in comparable positions). Meanwhile, people who identify as transgender are twice as likely to be unemployed as the general population, and transgender people of color are *four times* as likely to be unemployed.[11]

Of course, it is impossible to draw conclusions about how these numbers play out in colleges and universities, where the demographic composition of the workforce is drastically different from that of the general population, other than to note that they are not isolated from the world in which they exist. Even though we cannot fully discuss how well-represented the LGBT population is among the higher education

workforce, or how well-compensated they are in relation to the rest of workforce, we *can* discuss the forms of discrimination that exist on college campuses; how they affect students, faculty and staff; and what unions and institutions can do to improve working and learning conditions for the LGBT population.

Campus Climate

While there is little data to judge how sexual identity and/or gender identity and expression affect the economic and professional disposition of individuals inside institutions of higher education, there is ample evidence demonstrating that the perceptions of campus climate for LGBT people at a particular institution can have an impact on LGBT students and faculty there. This population faces an array of challenges, ranging from personal attacks, both verbal and physical, to actions (intentional or otherwise) that isolate and alienate LGBT individuals, to institutional policies that prevent individuals from freely expressing their sexual identity and/or gender identity. In 2010, Campus Pride released the results of a survey it conducted with more than 5,000 students, faculty and staff at colleges and universities in all 50 states, which let respondents identify their sexual identity, gender identity and gender expression in multiple ways. Its report, 2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People, provides a national snapshot of how members of the higher education community view the campus climate for LGBT people, and we are indebted to Campus Pride for the information that follows. It is important to note that these results are reported as a national aggregate. Information on regional or campus-by-campus variations in the campus climate was not a part of this report. However, Campus Pride does have a resource that examines the campus climate on individual campuses, which can be found at **www.campusclimateindex.org**. It is also important to note that this report deals with the perceptions of the survey respondents about the campus climates in which they live and work; it does not comment on the actual policies in place or the actions being taken by colleges and universities that affect the campus climate.

Campus Climate for Students

The perception that an institution of higher education is a welcoming place for LGBT people can have a major impact on students' abilities to pursue their education. Twenty-eight percent of LGBT students reported seriously considering leaving an academic institution.[12] Seventeen percent of LGBT students feared for their physical safety, 46 percent avoided disclosing their sexual identity for fear of intimidation, and 48 percent avoided disclosure for fear of negative consequences.[13] When looking specifically at transgender people, the results are even more striking—40 percent of transmasculine[14] students and 27 percent of transfeminine[15] students feared for their physical safety, 72 percent of transmasculine students and 53 percent of transfeminine students avoided disclosure to avoid intimidation, and 65 percent of transmasculine students and 55 percent of transfeminine students avoided disclosure for fear of negative consequences.[16] The percentage of LGBT respondents who report these fears is significantly higher than for their heterosexual counterparts.

The consequences of a negative campus climate toward LGBT people are clear. What, specifically, about the campus climate can make or break the college experience for LGBT students? In this section, we will examine three different aspects of the campus

climate that affect the well-being of this population: (1) experiences with homophobia, discrimination and threats to physical safety; (2) the institution's commitment to LGBT issues; and (3) inclusion of LGBT issues in the college curriculum.

Homophobia, Discrimination and Threats to Physical Safety

The most obvious manifestation of campus climate—and arguably the most keenly felt by LGBT students—is the very personal experiences of homophobia, discrimination and physical threats. These incidents can range from the seemingly benign, such as singling out an LGBT student as a "resident authority" on LGBT issues in class, for example, to outright violence.

Of the 2,683 LGBT undergraduate and graduate students surveyed by Campus Pride,[17] 669 of them (25 percent) reported some experience with harassment related to their sexual identity (86 percent) and/or their gender identity or expression (28 percent).[18] Of this group who experienced some form of harassment, 68 percent were the target of verbal abuse, 45 percent felt deliberately excluded by their peers, 45 percent "observed others staring," and 37 percent were singled out as "resident authorities." More troubling, almost one-third reported feeling bullied, and 4 percent reported they were the targets of physical violence.[19] Respondents also reported a wide range of reactions—54 percent of LGBT students experiencing harassment felt embarrassed, 31 percent felt fear, and 41 percent took measures to avoid the harasser.[20]

This harassment occurs in a variety of locations; roughly half of the LGBT respondents who reported being harassed experienced this behavior on campus and in public. Shockingly, half of the respondents who were harassed experienced this behavior in a classroom. Ninety-two percent of these respondents were harassed by peers, and 36 percent were harassed by people who were perceived as "superiors."[21]

It is not just the direct experience of LGBT students with homophobic harassment that chills the campus climate. Observing others who are targets of harassment can also have an impact. Of all students surveyed, 45 percent observed some form of harassment targeted toward LGBT individuals, and 42 percent of these students observed this behavior in a classroom. Eighty-two percent of these witnessed this behavior from other students, and 14 percent witnessed the behavior from faculty.[22] It should be noted that 70 percent of LGBT students in the Campus Pride survey reported they felt comfortable with the overall campus climate at their institution, 64 percent felt comfortable with the climate toward LGBT individuals in the classroom,[23] and 66 percent felt their institutions handled instances of LGBT harassment in a positive manner.[24]

Institutional Commitment to LGBT Issues

While experiencing and observing harassment based on sexual identity, gender identity and/or gender expression will certainly chill the campus climate, the policies colleges and universities implement, and how responsive these policies are with regard to LGBT issues, can also significantly affect the experiences of LGBT students.

Colleges and universities can demonstrate a commitment to LGBT issues in many ways, including:

- Developing clear institutional policies and practices that support LGBT students, such as nondiscrimination policies and housing that accommodates LGBT people;
- Providing resources, such as health services, counseling services and public safety programs, with LGBT students in mind; and
- Supporting LGBT resource centers and student organizations.

Currently, only 56 percent of LGBT students agree their college or university provides enough resources for LGBT students, with transgender and gender nonconforming students reporting slightly less satisfaction with the availability of resources.

Inclusion of LGBT Issues in the College Curriculum
Another indication of the campus climate is how well-integrated LGBT issues are in the college curriculum. This was explored by making note of LGBT scholars and the research done around LGBT issues in their college courses, where appropriate. However, only 25 percent of LGBT students surveyed by Campus Pride felt contributions by LGBT scholars or LGBT issues were included in their school's general education requirements.[25] Similarly, only 37 percent of LGBT students agreed departmental requirements represented LGBT contributions.[26]

Campus Climate for LGBT People of Color
Particular attention must be paid to how sexual identity, gender identity and gender expression intersect with other systems of oppression. LGBT people of color face discrimination because of both their sexuality and gender identity and their racial and ethnic identity. As a result, their experiences with these intersecting forms of discrimination color their perceptions of the campus climate in a way that is significantly different from their white peers' perceptions.

Unfortunately, the Campus Pride report does not stratify its sample of LGBT people of color by student, faculty and staff, which would allow us to include these findings under those particular sections. But the report does give us some insight into how differently this population perceives the campus climate.

Overall, the reported experiences and observations of harassment *based on sexual identity, gender identity or gender expression* for LGBT people of color do not differ dramatically from those of their white LGBT peers. However, LGBT people of color do report greater experiences and observations of harassment based on *racial identity*. This compounding of different forms of discrimination is what presents such a challenge for this population, and it demonstrates that efforts to improve the campus climate for the LGBT population cannot be conducted in isolation from other efforts to combat racial and ethnic discrimination on campus.

Thirty-one percent of LGBT respondents of color reported experiencing "exclusionary, intimidating, offensive, or hostile conduct" that they attributed to their racial identity, and 81 percent reported this conduct based on their sexual identity (compared with 2 percent and 86 percent, respectively, for white LGBT respondents).[27] LGBT people of color were 10 times more likely than their white counterparts to report experiences with racial profiling.[28] They were also more likely than their white counterparts to report

receiving low performance evaluations, receiving written derogatory comments, and being subject to assumptions that they were admitted or hired based on their racial identity.[29]

Transgender people of color reported significant amounts of discrimination. Fifty percent of transfeminine respondents of color reported offensive conduct based on their racial identity (interestingly, only 13 percent of transmasculine respondents of color reported this). Of both transfeminine and transmasculine respondents of color, 60 percent reported hostile conduct based on their gender identity.[30]

Campus Climate for Faculty and Staff

As with students, the campus climate toward LGBT people can have a significant impact on how welcome LGBT faculty and staff feel on campus. Forty-two percent of LGBT faculty and 32 percent of LGBT college staff have considered leaving an academic institution based on the campus climate.[31] Nine percent of both LGBT faculty and LGBT staff have feared for their physical safety. Thirty-two percent of LGBT faculty and 30 percent of LGBT staff felt uncomfortable disclosing their sexual identity because they feared intimidation, and 35 percent of faculty and 32 percent of staff avoided disclosure of their sexual identity for fear of negative consequences.[32] These percentages are even higher for transgender faculty and staff.[33]

In this section, we will consider three different components of the campus climate that affect LGBT faculty and staff: (1) homophobia, discrimination and threats to physical safety; (2) the valuing of LGBT scholarship; and (3) institutional commitment to LGBT faculty and staff.

Homophobia, Discrimination and Threats to Physical Safety

LGBT faculty and staff are also targets of homophobic discrimination and harassment, although survey data suggests they are less prone to it than students. Twenty-two percent of LGBT faculty reported experiencing some form of harassment based on their sexual identity and/or their gender identity and expression, and 20 percent of LGBT staff reported such experiences.[34] Of the faculty and staff who reported some form of harassment, feelings of deliberate exclusion were the most common reported experience (52 percent of faculty and 50 percent of staff), followed by verbal harassment and feelings of isolation. Of LGBT faculty who experienced harassment, 2 percent reported they were the target of physical violence;[35] *92 percent* experienced the harassment on campus, and 31 percent experienced it in a classroom. Of LGBT staff who experienced harassment, 77 percent reported the incidents took place on campus. Sixty-seven percent of this subset of LGBT faculty and 62 percent of these LGBT staff reported they experienced harassment by a peer, and 34 percent and 26 percent, respectively, were harassed by a superior.[36]

Sixty percent of *all* faculty and 54 percent of *all* staff reported observing instances of LGBT harassment in their workplace. Sixty-five percent of the observing faculty, and 66 percent of the observing staff witnessed harassment by students. Thirty percent of faculty observed LGBT harassment by another faculty member, and 29 percent of staff observed this harassment by other staff members.[37] The number of academic workers who reported observing the harassment of LGBT people on campus is distressingly

high. That said, overall, 60 percent of LGBT faculty felt comfortable with the campus climate, while 73 percent of LGBT staff felt that way.[38]

Homophobia also manifests itself in more subtle ways in college classrooms. For example, a recent study published in the *Journal of Applied Social Psychology* found LGBT faculty were more likely than their straight or gender-normative peers to be judged as introducing political biases into their courses:

> For the study, researchers presented an ethnically diverse group of 545 undergraduates at the University of Houston-Downtown with a course syllabus for a class called "Psychology of Human Sexuality." The only difference in the syllabus presented to different students was that one version featured a professor whose brief autobiographical statement indicated being gay, and the other version featured an autobiographical statement identifying the professor as straight.
>
> The students were then asked to evaluate the professors (based only on the syllabus review) on various factors, one of which was political bias. On average, the students found the syllabus to suggest a political agenda when the instructor was gay, but no agenda when the instructor was straight.
>
> For another part of the study, students were given different versions of the syllabus that suggested more about the professors' views—while keeping much of the course the same. A "conservative" syllabus contained the statement: "The Psychology of Human Sexuality emphasizes sexual restraint and abstinence." The liberal version contained the statement: "The Psychology of Human Sexuality emphasizes acceptance and celebrates the variety of human sexual behavior."
>
> Again, some versions had the instructor's biographical statement indicating a gay or lesbian professor and others indicating a straight professor. The students identified the fictional "liberal" and "conservative" professors as biased if they were depicted as gay or lesbian—but not if they were straight.[39]

This form of discrimination is especially problematic for junior faculty and contingent faculty, where student course evaluations figure prominently in the overall job evaluations of these categories of faculty. This is especially significant given that *1 in 4* (24 percent) of LGBT faculty reported being on the receiving end of discriminatory employment practices in the workplace. Similarly, 20 percent of LGBT faculty reported experiencing discrimination in employment practices.[40]

Valuing LGBT Scholarship

The valuation of LGBT scholarship is obviously a decision that is left up to the faculty; they are the ones who develop course curriculum and decide upon general education requirements. In one respect, the visibility of LGBT scholarship and scholars is a product of how open the campus climate is toward LGBT people and their issues. On the other hand, this visibility is also an important indicator of that openness. Susan Rankin writes:

> As participants in institutions of power, academics are embedded in a system of relations that silences the relatively less powerful. In this case, heterosexism and homophobia operate to reinforce the heterosexual norm. There is an

> assumption that everyone is similar, that differences disturb the norm, and this reinforces a culture of silence for those who are different. When GLBT members of the academic community increase their visibility and their voice on campus, they are crossing to a border zone where they confront "difference" and challenge heterosexual norms. By providing a voice through visible GLBT-supportive initiatives on campus, they engage in dialogue and action with individuals who may have conflicting ideas and perceptions about the world. This is hard work, but such work creates the conditions for change.[41]

As it stands, only 25 percent of LGBT faculty feel LGBT issues and contributions are reflected in their institutions' general education requirements.[42] Fifty-one percent feel these contributions are represented in departmental requirements.[43]

Another indication of how LGBT scholarship is valued is to look at how often faculty assign texts that deal with LGBT issues. The Campus Pride survey asked how often faculty included readings on homophobia and heterosexism.[44] High percentages of faculty—63 percent of LGBT faculty members and 61 percent of heterosexual faculty members—sometimes or often assigned readings on these topics.[45] Of particular note, the willingness to assign these readings among LGBT faculty varied by how "out" faculty members were: Of the faculty members who reported being "out" to few or none, 48 percent never assigned readings on homophobia or heterosexism, while of the faculty members who reported being "out" to most or all, 80 percent assigned these readings sometimes or often.[46]

Institutional Commitment to LGBT Faculty and Staff

As with LGBT students, having well-defined university policies that are inclusive of LGBT concerns, and committing university resources and services to serving LGBT people, can help make for a positive campus climate for faculty and staff. Forty-five percent of LGBT faculty and 53 percent of LGBT staff reported feeling that their institutions provide enough resources to issues concerning and services for LGBT people.

Faculty and staff also must ensure their workplaces provide equitable access to benefits. Some public institutions are limited in their ability to provide this access, especially access to family and partner benefits, given state legislation that prohibits the provision of these benefits to same-sex couples. There must also be attention paid to LGBT-specific issues that arise in health services and insurance—for example, transgender people are sometimes denied payment for services based on their gender identity (this problem can often be traced to insurance providers, but employers can play a role in making sure these providers cover healthcare access for transgender people).

Even given these limitations, LGBT respondents were less likely to agree that they have equitable access (results that held across both sexual identity and gender identity and expression).[47] Only 40 percent of LGBT faculty and 47 percent of LGBT staff reported equitable access to partner hiring assistance. Forty percent of LGBT faculty stated they did not receive equal access to sick or bereavement leave, and 47 percent of LGBT faculty did not believe they had equal access to tuition remission for partners and/or dependents. Fifty-seven percent of LGBT faculty and 70 percent of staff felt access to healthcare benefits was equitable.

Best Practices and Recommendations

As we have seen, the campus climate for LGBT people can have an impact on how welcome this population feels in the classroom and in the workplace. The national picture we have demonstrates there are significant differences between how welcome LGBT people feel on campus and how welcome their straight peers feel. While we may have a national picture of the campus climate, there clearly is no national panacea that can be applied to improve the campus climate; the struggle for more inclusive campuses must occur institution by institution. It's equally clear that higher education unions, as agents of social justice in their workplaces and in their communities, are uniquely situated to be able to play an important role in this work.

As in our previous reports, we are recommending your local take steps to make LGBT diversity—along with racial, ethnic and gender diversity—a priority in your union. Incredible work, in both the academic and activist realms, has already occurred in higher education, upon which our efforts can be based. We recommend each AFT Higher Education local make diversity an important part of the union agenda on campus by:

- Taking an in-depth look at what is happening on the diversity front on your campus;
- Initiating a discussion with your leaders and membership about possible plans of action, including ways to incorporate diversity activities into the collective bargaining contract; and
- Designating a group of people to coordinate the union's efforts.

With regard to LGBT faculty, students and staff, this can be accomplished with the following steps:

- **Inventory:** As a first step, we urge local leaders to consider conducting an inventory of your institutions to assess the campus climate for the student body, the faculty, and the campus administration and staff—campuswide and in individual departments. Take a look at this report's accounts of difficulties faced by LGBT members of the campus community, and see how your institution stacks up in terms of mitigating these challenges and creating a positive environment for the LGBT campus community.
- **Leader/Member Involvement:** We encourage you to take your inventory of campus diversity conditions to your leaders and members, and initiate probing discussions about the issues raised in this report. Expand that dialogue as widely as you can.

- **Diversity Committee:** To transform analysis and discussion into a concrete program of action, we recommend each local affiliate establish a standing committee to oversee and coordinate diversity-related activities.

In addition to coordinating the union's work, these committees can serve as the main point of contact in attempts to build coalitions with other stakeholders: preK-12 unions, university systems and local community groups, to name a few. Whenever possible, the work of the union diversity committee should be coordinated with any administration diversity committee or activities that may already exist on campus. The union can, in fact, prompt the administration to create diversity structures at the institution. Joint labor-management diversity committees are another avenue to consider as a means to create a safe and inclusive campus climate for the whole campus community.

It should also be noted that homophobia and discrimination do not disappear when LGBT people leave the campus. Not only can higher education unions can work to make their campus environments more inclusive, but they also can play a positive role for improving their whole communities for LGBT people. For LGBT inclusivity to encompass the communities in which institutions are situated, local unions should consider partnering with community LGBT groups to broaden the impact of their work.

Our recommendations in this report address what unions can do both outside and within the collective bargaining process to improve the campus climate for the LGBT community.

Recommendations for Action Outside of Collective Bargaining

There are a number of actions your local union can take in order to further a positive campus climate, both internally and through your advocacy work.

Political Advocacy

It is important for unions to be involved in improving conditions for LGBT academic workers and their students not only in the workplace, but in their communities as well. As was made clear at the beginning of the report, the biggest obstacle to progress on LGBT equality is the lack of federally protected status for sexual identity, gender identity and gender expression. We must push the federal government to recognize the discrimination faced by LGBT people and to commit to redressing these injustices. Additionally, local and state laws, like legislation that denies public employers the ability to provide health and other benefits to same-sex couples, directly affect the ability of public higher education institutions to make changes and provide resources that will better serve LGBT workers and staff. Aside from the direct connection to the workplace, advocating for LGBT-friendly legislation can also serve to make the local communities more welcoming places for all LGBT individuals.

Local unions and state affiliates can work to repeal state and local legislation that unfairly denies same-sex couples and transgender people the same rights and benefits enjoyed by their heterosexual and gender-normative counterparts. Local unions can also work to ensure LGBT people have the same civil rights that are

afforded to all other individuals in their states and localities. Finally, local unions can advocate on the federal level for the Employment Non-Discrimination Act (which the national AFT is on record, in a 2010 resolution, as supporting), which would extend workplace protections to LGBT people and their families, and for legislation which would grant protected status to LGBT people and confer to them the rights already granted to their heteronormative peers.

Ensure LGBT Issues Are Union Issues

- **Encourage LGBT members to become involved in your union and in its leadership:** The best way to learn how the campus climate is affecting your LGBT members is to make sure their voices are heard in your union. Encourage LGBT members to be active in your membership and in your leadership, and make it clear your union is as committed to acting on LGBT issues as it is for any other members' issues.
- **Support internal union structures that facilitate discussions of LGBT issues:** In addition to diversity committees, some locals have found it helpful to provide internal structures such as caucuses to allow members a safe environment in which issues can be discussed and advocated within the context of the union. There are a variety of different ways, both formal and informal, of incorporating these structures within your local. For example, the Graduate Teaching Fellows Federation, AFT Local 3544, at the University of Oregon has incorporated an LGBT caucus into its bylaws:

  > **ARTICLE TEN – GTFF CAUCUSES**
  > Section One- Six standing GTFF Caucuses shall exist to address the issues of traditionally underrepresented groups and to promote inclusion and full representation of these union members.
  >
  > Section Two- Caucus Structure
  > (c) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) GTF Caucus – This Caucus shall meet to discuss the needs and concerns of LGBTQ GTFs. The Caucus shall annually appoint one person to the Executive Council with voting privileges, to represent the body on the Council.[48]

- **Educate members about LGBT issues:** Whether your local will be putting LGBT-related contract negotiations on the table or is simply working to make the campus more LGBT-friendly, it will be necessary to educate members about these issues. When it comes to the campus climate, faculty and staff sometimes engage in behavior that is discriminatory—not out of malice or homophobia, but out of simple ignorance of the issues. Your local can help inform members about specific practices in the academic workplace that are detrimental to members of the LGBT campus community, as well as educate them about how the union's LGBT-related contract and advocacy work is part of its workplace justice agenda. Specific education activities your union can undertake include:
  - Producing literature, such as pamphlets, that discusses LGBT issues in the union context.
  - Organizing forums for the membership and campus community about specific LGBT issues in the workplace, on campus and in the community.

- Dedicating an agenda item to reporting on LGBT issues (as well as other diversity-related issues) in meetings of your local's governing bodies and of the membership.
- Training your volunteer and staff organizers to be able to discuss LGBT issues when conducting one-on-one organizing conversations in the workplace.

Improve the Campus Climate

- **Engage with your on-campus LGBT resource center:** Many campuses have LGBT centers that provide a range of services and serve as advocates for this population. These centers may have ideas about how to address homophobia in the classrooms and other academic workplaces, and how to make your union more welcoming for LGBT community members. They may also be able to provide educational materials and serve as a link to other local organizations that provide services. Does your campus not have an LGBT resource center? Work with your administration and students to start one.
- **Review institutional policies for faculty and students to ensure LGBT-friendly policies are in place:** In addition to the items that can be addressed through collective bargaining (which will be discussed in the next section), your institution should review its existing policies to meet the needs of the LGBT campus community. Specific actions include (but are not limited to):
  - Updating the institution's nondiscrimination policies to include the LGBT community;
  - Integrating LGBT concerns into university documents, such as grievance materials, housing forms, application materials, etc.;
  - Creating a visible and safe way to report anti-LGBT harassment; and
  - Providing a victims' advocate specifically trained in LGBT issues in the university's public safety department.
- **Include LGBT issues in the discussions of the campus diversity committee:** Your institution's diversity committee is likely already engaged in important work on how to attract and retain outstanding faculty and students of color or who are women. Efforts around LGBT issues can and should be integrated into this work. As we've noted elsewhere in this report, economic data on the LGBT population is not readily available. Your diversity committee could play an important role in developing a snapshot of how equitably LGBT faculty are treated with regard to pay and benefits relative to their peers, as well as suggesting and developing policies that improve the campus climate.
- **Identify faculty and staff offices as "safe places" for LGBT students:** Specifically identifying "safe places" for LGBT students to discuss their issues can play an important role in creating a positive campus climate, especially on campuses that lack LGBT resource centers. Knowing there are offices where students can talk openly and frankly about these issues can reduce the isolation some LGBT students feel on campus and can serve as a foundation for building an LGBT support network at an institution.

- **Review curricula and update to reflect LGBT issues and accomplishments where appropriate:** Including information on LGBT issues in appropriate courses can serve to raise awareness of the challenges faced by this population, as well as provide role models for and reduce the isolation felt by LGBT students.
- **Include LGBT issues in campus trainings:**
  - Including LGBT issues in staff, faculty and student orientations;
  - Integrating LGBT issues into ongoing trainings for faculty, staff and students (such as resident advisers); and
  - Providing training on LGBT issues for healthcare and public safety workers on campus.

Recommendations for Action Through Collective Bargaining

With the collective bargaining process, local unions have a powerful tool to effect change in their workplaces. Many locals have bargained for better working conditions and job benefits for LGBT members, creating more inclusive campuses and safer workplaces. We have included in this final section tips for how to assess whether your contract addresses the needs of your LGBT members as well as specific language from local contracts that have addressed LGBT concerns.

Auditing the Contract

The very first step to achieve LGBT inclusivity in collective bargaining agreements involves auditing the local union's current contract. This step should be conducted in conjunction with bargaining surveys that solicit feedback from members about potential gaps in the contract for LGBT workers. In conducting this audit, some specific provisions that should be examined include:

- Does the current contract include a nondiscrimination clause that specifically protects sexual orientation, gender identity and gender expression?
- Are employee benefits, such as access to family or bereavement leave, structured in a way that is inclusive of the diverse forms of sexual identity, gender identity and gender expression, and of different types of families?
- Do employee health benefits meet the needs of LGBT workers on campus?

This is not an exhaustive list, but it does include some of the more common gaps that exist in current collective bargaining agreements. Other issues may arise through bargaining surveys that ask about specific LGBT issues that can be addressed through the bargaining process.

Bargaining LGBT-Inclusive Contract Language

Following from the suggested contract areas listed above, we have assembled contract language from AFT locals that have addressed these issues through collective bargaining. As an additional resource, Pride at Work, an officially recognized LGBT constituency group within the AFL-CIO, has assembled contract language from a broad range of labor contracts in different industries that can serve as models for these provisions.

- **Nondiscrimination clauses:** It is crucial that your contract's nondiscrimination clause specifically protect sexual orientation, gender identity and gender expression. Simply stating that nondiscrimination will function "in accordance with state and federal law" will in most instances not cover LGBT people, as there is no federal protection for this population, and many states do not have legislation that protects LGBT citizens.

  - From the United Faculty of Central at Central Washington University, AFT Local 3231:

    ARTICLE 7 – NON-DISCRIMINATION, SEXUAL HARASSMENT, & WORKPLACE VIOLENCE
    7.1.1 The University will:
    (b) Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reduction in force (RIF), University-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

  - From the Graduate Employees' Organization at the University of Michigan, AFT Local 3550:

    Article IV: Anti-discrimination and Equal Opportunity Employment

    Section A. Principles and Definitions

    1. Statutory Compliance - It is agreed that there shall be no discrimination in the application of the provisions of this Agreement based on impermissible factors as defined below and as consistent with the state of Michigan Elliot-Larsen Civil Rights Act of 1976. Refer to Appendix C for the text of the act. The University agrees to abide by the protections afforded Employees with disabilities as outlined in the rules and regulations which implement Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Refer to Appendix A for a description of the Americans with Disabilities Act.

    2. Impermissible Factors - "Impermissible factors" means an Employee's race, creed, color, religion, national origin, ancestry, marital status, familial status, parental status or pregnancy status, sex, gender identity or expression, sexual orientation, age, height, weight, disability, citizenship status, veteran status, HIV antibody status, political belief, membership in any social or political organization, participation in a grievance or complaint whether formal or informal, or any other factor irrelevant to his or her employment status or function.

    3. Definition of Discrimination - Any of the following constitute "discrimination":

a. to discharge, or otherwise to act against an individual when the act arises from or is related to the Employee's status or function as a GSI or GSSA, because of an impermissible factor.

b. to limit, segregate, or classify an Employee in a way that deprives or tends to deprive an Employee of an employment opportunity or otherwise adversely affects the status of an Employee because of an impermissible factor.

c. sexual harassment. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:

i. submission to or rejection of the conduct or communication by an Employee is used as a factor in decisions affecting his or her employment; or

ii. the conduct or communication has the purpose or effect of substantially interfering with an Employee's employment, or creating an intimidating, hostile, or offensive employment environment.

d. harassment. "Harassment" means conduct by a University of Michigan employee directed toward a member of the bargaining unit that arises from or is related to the Employee's status or function as a GSI or GSSA and that includes, but is not limited to, repeated or continuing unconsented contact or repeated verbal abuse, threats, or intimidation that significantly interferes with the Employee's ability to perform his or her job duties, that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose related to the individual's employment, unless the timing or manner in which the activity or conduct is done would cause a reasonable individual to suffer emotional distress and that actually causes the harassment grievant to suffer emotional distress.

- **Equitable access to employee leave benefits:** Most union contracts provide employees with numerous different types of leave that allow them to attend to family matters, including, but not limited to, sick leave (to care for family members), maternity/family leave and bereavement leave. However, many times these provisions are constructed in a way that excludes LGBT relationships. While they allow for leave to attend to matters concerning a worker's "immediate family," this construct often refers to the parents,

siblings, spouse and children of a worker. In states where same-sex marriage is not allowed, this excludes people in same-sex relationships (it also excludes other domestic partnerships outside of marriage).

- From the United College Employees at the Fashion Institute of Technology, AFT Local 3457:

34.0 LEAVES OF ABSENCES: SICK LEAVE, PERSONAL LEAVE, EXCUSED ABSENCE WITHOUT LEAVE, UNPAID LEAVE, MATERNITY LEAVE, ADOPTION LEAVE, PATERNITY LEAVE

34.1 SICK LEAVE

Sick leave may be used only for personal illness or except as otherwise permitted by this agreement. Effective March 1, 1997, employees may use two (2) sick leave days for the care of a domestic partner or family members who are ill.

34.3 EXCUSED ABSENCE WITH PAY

34.3.1 All employees covered by this contract, who are absent for any of the following reasons, shall receive full salary during their absence and shall not suffer loss of sick bank days. Effective June 2009, faculty teaching Pre-College Programs are eligible for payment for absences due to the following:

(b) Absence not to exceed five (5) consecutive days from the date of death of a member of the immediate family of the employees covered by this contract or anyone in the personal household of these employees. Except in extenuating circumstances, such leave shall commence on the date of death. Immediate family shall include grandparents, parents, spouse, domestic partners, sister, brother, children, or "in-law" relationships of the types just mentioned. Reasonable time to attend the funeral services of any associate, a relative, a friend, or an employee of the College shall be permitted.

(d) Attendance at graduation ceremonies for the employee or the employee's spouse, domestic partner, child, sibling, or parent. If the ceremonies are conducted at a distance which requires the better part of a day for travel, the total number of days for this purpose may not exceed three (3) calendar days. This shall include the day preceding and the day following the ceremonies.

34.5 MATERNITY LEAVE

34.5.1 Any employee who has tenure or a Certificate of Continuous Employment, who becomes pregnant, shall be granted maternity and childcare leave. She may continue to work as

long as she is able. Upon certification by a physician of a date upon which she is or will no longer be fit and able to work, she may apply for maternity leave with pay from the date until six (6) weeks after confinement provided she has sufficient days in her sick bank. Effective upon the exhaust ion of sick leave, or after the sixth week after the confinement, she may apply for childcare leave without pay for a period not to exceed two (2) years.

Application for childcare leave shall be made three (3) months prior to the expected date of birth. The President or President's designee may, upon application, grant an extension of childcare leave. With the approval of the Senior Administrator(s) involved, a full-time employee on unpaid childcare leave may return to work on a part-time basis. Benefits will accrue as though the employee were on unpaid leave. Such part-time work will not extend the length of the leave.

Childcare leave may be terminated at the mother's request. The childcare leave of a classroom teacher returning to instructional duties must be terminated at the beginning of a regular or minisession and the usual program assignment regulations shall be applicable. All employees shall give at least one (1) month's notice if childcare leave is to be terminated prior to the termination of the leave originally approved. The foregoing does not preclude the return of a classroom teacher to noninstructional assignments.

During the entire period of maternity and childcare leave, the individual shall continue to be covered for all health and welfare benefits. An employee on such leave maintains her seniority as of the date leave without pay commences. Such leave shall not be considered to be an interruption of service. The period of childcare leave does not count toward incremental advancement. Upon return from such leave, the employee shall be reinstated at the salary step beyond the step which was completed at the time the leave was granted. One who takes an authorized leave of absence without pay preserves those rights applicable at the time of such leave, without increase or diminution.

34.6 ADOPTION LEAVE

34.6.1 All provisions for unpaid leave outlined in Section 34.4.1 above shall apply in any and all cases of adoption of children under sixteen (16) years of age when such leave is requested by an adopting parent.

34.7 PARENTAL CHILD CARE LEAVE

34.7.1 All provisions for unpaid leave outlined under Section 34.4.1 above shall apply in all cases where any employee cov-

ered by this contract whose spouse or domestic partner gives birth to a child, when such leave is requested by the employee.

- **Equitable access to health benefits:** Many union contracts provide healthcare benefits to employees and their families. In the contract, it is important to recognize the diversity of domestic relationships that exist. This can be done by bargaining healthcare coverage not only for spouses, but for domestic partners. The contract for the United University Professions at the State University of New York, AFT Local 2190, contains the follow definition and guidelines for domestic partners (who receive healthcare benefits) in this memorandum of understanding:

> APPENDIX A-25 MEMORANDUM OF UNDERSTANDING
>
> This Memorandum of Understanding between the Governor's Office of Employee Relations (GOER) and United University Professions (UUP) provides for the continuation of the current New York State Health Insurance Program (NYSHIP) dependent eligibility criteria, utilizing the eligibility/certification requirements described below to include eligibility for the domestic partners of UUP-represented State employees effective thirty days after the execution of the 1995-99 collective bargaining agreement or as soon as practicable thereafter.
>
> Definition:
> A domestic partnership is defined as one in which the partners must be 18 years of age or older, unmarried and not related by marriage or blood in a way that would bar marriage; reside together; and are involved in a committed (lifetime) rather than casual relationship and mutually interdependent financially. The partners must be each other's sole domestic partner and must have been involved in the domestic partnership for a period of not less than six months. The State employee domestic partner may not have a spouse covered under his or her NYSHIP enrollment and still be eligible to cover a domestic partner.
>
> Certification:
> In order to establish that a domestic partnership exists for purposes of obtaining coverage under the NYSHIP, the domestic partners must execute a Domestic Partner Affidavit to be developed by the State in accordance with the guidelines developed by the New York State Insurance Department, provide proof of cohabitation and provide evidence that an economically interdependent relationship exists between the employee and the domestic partner dependent. Proof of cohabitation and economic interdependency shall be required according to the guidelines established by the State Insurance Department and shall verify the existence of the domestic partnership for at least six months prior to the date of application for enrollment in the NYSHIP. Satisfaction of these requirements

shall constitute the certification of the domestic partnership for purposes of eligibility for dependent coverage in the NYSHIP.
If employees fraudulently enroll or continue coverage as domestic partners, they shall be held financially and legally responsible for any benefits paid from the NYSHIP to the domestic partner and may be subject to disciplinary action. Further, any such employee shall forfeit eligibility for future domestic partner coverage.
A Termination of Domestic Partnership document shall be required should a domestic partner relationship cease. A one-year waiting period shall be required from the date a covered domestic partner dependent is deemed no longer eligible, as evidenced by the filing date of the Termination of Domestic Partnership document, until a new domestic partner can be deemed eligible for coverage.

In some instances, state law may specifically exclude public employers, including state colleges and universities, from providing benefits to the same-sex partners of employees. This presents a challenge in providing coverage for these individuals, but one that is not insurmountable. For example, the Graduate Employees' Organization at the University of Michigan, AFT Local 3550, saw its domestic partner benefits taken away when the state of Michigan passed legislation prohibiting state agencies from providing these benefits. In response, GEO bargained the following contract language:

ARTICLE XI: BENEFITS

Section A. Definition of "Other Qualified Adult"

If you do not already cover a spouse in your U-M benefits plans you may enroll one Other Qualified Adult (OQA) for benefit coverage if all of the following eligibility criteria are met:

1. You are eligible for U-M benefits; and

2. The OQA, at the time of your requested enrollment, shares a primary residence with you and has done so for the previous 6 continuous months, other than as your employee or tenant.

The following individuals are not eligible for participation in the OQA program if they are the Employee or the Employee's spouse's:

- Parents
- Parents' other descendents (siblings, nieces, nephews)
- Grandparents and their descendents (aunts, uncles, cousins)
- Renters, boarders, tenants, employees
- Children or their descendents (children, grandchildren)

Dependent Children of an Other Qualified Adult

In addition to coverage for an OQA, you may also elect coverage for the eligible child(ren) of an OQA. The dependent children of an OQA are eligible for coverage through the end of the month they turn age 26 (as of January 1, 2011).

Adequately addressing the health needs of transgender people also presents a challenge for local unions. Transgender people have unique healthcare needs that may not be covered by—or may even be unknown to—health insurance providers. For example, transgender people who undergo sex reassignment surgery (SRS) may have ongoing medical treatments such as hormone therapies that are not covered by insurance. SRS itself is not covered in many insurance plans.

Transgender people who have not undergone SRS also face denials of coverage based on their gender identity. For example, an individual who is biologically female but identifies as male on insurance documents would not be covered for routine gynecological care solely based on the box that person chooses to check with respect to gender.

Locals have met these challenges by working with their health insurance providers to educate them about the healthcare needs specific to transgender people, who are then able to propose healthcare packages based on these needs. Locals can then bargain with their employers to include these provisions in the healthcare plans they provide to their employees.

Mobilizing for Bargaining Around LGBT-Inclusive Contract Language

Getting LGBT-inclusive contract language in your contract presents a great opportunity to mobilize your members and the broader community around issues of social justice. A campaign around LGBT equity affords local unions the chance to educate members about LGBT issues and discuss how policies that provide fairness and equity for LGBT faculty and staff can benefit the whole of the bargaining unit and serve as an example for students and the community. Of course, these campaigns can be intensive, with ongoing one-on-one communications with members, outreach to student and community organizations, and possibly political and legislative work. Locals that are looking to build a member-mobilization campaign around LGBT-inclusive contract language should consult the AFT's *FACE Collective Bargaining Toolkit: Taking on the Academic Staffing Crisis* (available at **www.aft.org/pdfs/highered/facecbtoolkit1009.pdf**). While this toolkit is focused around bargaining for contingent faculty equity, the tips on mobilizing members, community outreach and political activity can easily be adapted to a campaign for LGBT equity.

Many locals have constructed well-thought-out mobilization campaigns for LGBT equity. For example, in 2005, the Graduate Employees' Organization at the University of Michigan bargained for a transgender-inclusive healthcare plan. This contract language, which was the centerpiece of its bargaining campaign, followed two years of

intensive member-to-member communications. Members turned out to bargaining sessions in force to support the bargaining team's push to have the university recognize the health needs of transgender people. Together, student and community LGBT organizations urged the university administration to do the right thing. Of special importance was the election of an "out" transgender person to serve as GEO's lead negotiator, an appointment that added an important emotional and personal urgency to the union's negotiations. GEO was ultimately victorious in ensuring transgender graduate employees had equal access to the health benefits enjoyed by their colleagues, in addition to coverage of gender reassignment treatments and procedures, which are not covered by the vast majority of health insurance plans across the country (for more information about the GEO transgender health plan, contact the local at umgeo@geo3550).

Of course, a primary argument to use at the table for LGBT-inclusive contract language—aside from the fact that it is the right thing to do—is that making the contract more inclusive benefits not only LGBT faculty, but the institution as a whole. It allows the institution to attract and retain the highest-quality faculty and staff, regardless of their sexual identity, gender identity and/or gender expression, who will be secure in receiving the same benefits as their heteronormative peers. University administrators can be surprisingly receptive to this argument. In 2000, the United College Employees at the Fashion Institute of Technology, in response to the concerns of its members, proposed contract language on college leave policies that recognized a wide diversity of different family types (referenced above). The FIT administration accepted the proposal with no opposition and even helped draft the language that eventually ended up in the contract. To be sure, not every administration bargaining team will be as receptive as FIT's, but making the case that inclusive contracts are a net benefit to the institution, combined with effective member and community mobilization, can help ensure advances are made on behalf of LGBT faculty and staff.

Additional Resources

In addition to this guide, there are a few organizations working on LGBT issues in the workplace and in higher education that local unions can draw upon to improve the campus environment for college and university employees and students.

- **Pride at Work (www.prideatwork.org):** Pride at Work is the officially recognized LGBT constituency group within the AFL-CIO. In addition to offering model contract language for LGBT-inclusive collective bargaining agreements, it also offers important information on LGBT workplace issues, LGBT news, and trainings on how to make the workplace more inclusive.
- **The Williams Institute (williamsinstitute.law.ucla.edu):** The Williams Institute is a think tank based at the UCLA School of Law that specializes in LGBT issues.
- **Campus Pride (www.campuspride.org):** Campus Pride is a national nonprofit group devoted to creating safe college environments for LGBT people. In addition to providing reports on the campus climate, Campus Pride provides tools and resources to help transform higher education institutions into more inclusive spaces for LGBT faculty, staff and students.
- **The Human Rights Campaign:** The Human Rights Campaign, the nation's largest LGBT civil rights organization, maintains a list of resources for LGBT employees (**www.hrc.org/issues/pages/lgbt-employee-resources**), as well as resources for employers (**www.hrc.org/issues/pages/employer-resources**).
- **On-campus LGBT resource centers:** Additional resources may be steps away at your campus LGBT resource center. It can provide important services for LGBT individuals, and can be a formidable ally in helping to make your union and your campus a more inclusive space.

Endnotes

[1] "The American Psychological Association states that sexual orientation (identity) is 'an enduring emotional, romantic, sexual, or affectional attraction toward others.' Sexual identity also refers to a person's sense of identity based on these attractions, subsequent behavior, and membership in a community of others who share one's attractions." Susan Rankin, Genevieve Weber, Warren Blumenfeld, and Somjen Frazer, *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People* (Charlotte, NC: Campus Pride, 2010), 48.

[2] "Gender identity refers to an individual's sense of hir [used in original as a gender-neutral pronoun] own gender, which may be different from one's birth gender or how others perceive one's gender. The centering of gender on an individual's self-concept, rather than the person's biological sex, creates a discursive space that allows for a more nuanced understanding of gender." Ibid., 47.

[3] "Gender expression refers to how one chooses to indicate one's gender identity to others through behaviors and appearances that include clothing, hairstyle, make-up, voice, and body characteristics." Ibid., 48.

[4] Jennifer C. Pizer, Brad Sears, Christy Mallory, and Nan D. Hunter, "Evidence of Persistent and Pervasive Discrimination against LGBT People: The Need for Federal Legislation Prohibiting Discrimination and Providing for Equal Employment Benefits," *Loyola of Los Angeles Law Review 45* (2012): 715. Available at **http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Mallory-Sears-Hunter-ENDA-LLR-2012.pdf**.

[5] The full text for the Employment Non-Discrimination Act as introduced in the 112th Congress can be found at **www.gpo.gov/fdsys/pkg/BILLS-112hr1397ih/pdf/BILLS-112hr1397ih.pdf**.

[6] Gary J. Gates, "How Many People Are Lesbian, Gay, Bisexual, and Transgender?" The Williams Institute (April 2011), 2. Available at **http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf**.

[7] Ibid., 2-3.

[8] Ibid., 1.

[9] Same-sex couples are identified in the U.S. census as households where Person 1 describes his or her relationship with another adult of the same sex as either a "husband/wife" or "unmarried partner."

[10] Gary J. Gates and Abigail M. Cooke, "United States Census Snapshot: 2010," The Williams Institute (2010). Available at **http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot-US-v2.pdf**.

[11] Brad Sears and Christy Mallory, "Documented Evidence of Employment Discrimination & Its Effects on LGBT People," The Williams Institute (July 2011), 14. Available at **http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf**.

[12] *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People*, 128.

[13] Ibid., 131.

[14] In researching the term *transmasculine*, there does not seem to be a consistently used definition. In general, however, it refers to people who are born as biological females but who self-identify as more masculine.

[15] As with the term *transmasculine*, there does not seem to be a consistently used definition of the term *transfeminine*. In general, it refers to people who are born as biological males but who self-identify as more feminine.

[16] *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People*, 135.

[17] Ibid., 51.

[18] Ibid., 73-4.

[19] Ibid., 74.

[20] Ibid., 76.

[21] Ibid., 75.

[22] Ibid., 107-8.

[23] Ibid., 106.

[24] Ibid., 149.

[25] Ibid., 153.

[26] Ibid., 155.

[27] Ibid., 68.

[28] Ibid., 69.

[29] Ibid., 70.

[30] Ibid., 69.

[31] Ibid., 128.

[32] Ibid., 131.

[33] Ibid., 135.

[34] Ibid., 73.

[35] Ibid., 74.

[36] Ibid., 75.

[37] Ibid., 108.

[38] Ibid., 106.

[39] Scott Jaschik, "Whose Agenda?" *Inside Higher Education*, June 29, 2011, available at **www.insidehighered.com/news/2011/06/29/study_raises_questions_about_why_students_think_gay_professors_are_biased**.

[40] *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People*, 141-2.

[41] Susan R. Rankin, *Campus Climate for Gay, Lesbian, Bisexual, and Transgender People: A National Perspective* (New York: The National Gay and Lesbian Task Force Policy Institute, 2003), 39-40.

[42] *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People*, 153.

[43] Ibid., 155.

[44] There is no indication in the report as to which disciplines the faculty members assigning the texts belonged to.

[45] *2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People*, 156.

[46] Ibid.

[47] Ibid., 142.

[48] Available at **http://gtff.net/resources/bylaws#caucuses**.

A Union of Professionals

American Federation of Teachers, AFL-CIO
555 New Jersey Ave. N.W.
Washington, DC 20001
202/879-4400
www.aft.org

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