Resolution # 71-13
The Graduate and Professional Student Association (GPSA)
The Pennsylvania State University

of the 71st Assembly
March 23rd, 2022

Be it decided by the Assembly of Elected Delegates,

Supporting LGBTQIA+ Students During Harmful Developments in the Legal Landscape
Condemning recent anti-LGBTQIA+ legislation and recommending future steps
(Decided: [ Y / N / A ])

Nature of the Situation:

The Graduate and Professional Student Association is dedicated to diversity and ensuring that our community is a safe and welcoming place for people of all backgrounds. We endeavor to support all students, regardless of their sexuality or gender. We recognize that our LGBTQIA+ students live in a society which is not always accepting. This fact has been especially apparent recently in light of queerphobic legislation being promulgated across the United States. We condemn these developments and acknowledge their effects on the mental health and overall well-being of our LGBTQIA+ community members. The Graduate and Professional Student Association implores Penn State University to increase its efforts to support LGBTQIA+ Penn Staters.

In February, the Supreme Court destabilized what was considered to be settled law. Previously, the Court held that creative professionals were not exempt from anti-discrimination statutes. However, the Court agreed to hear an appeal from a Colorado
website designer who says that she will not create webpages for same-sex weddings¹. The website designer intends to post a message declaring that she would refuse to build websites for same-sex couples and that such an action to the contrary would violate her religious beliefs. In 2018, the Court had a similar issue with a baker who refused to make cakes for gay weddings. The Court sided with the baker on narrow grounds while avoiding the overarching questions of how and when a business can turn away customers under the First Amendment¹. The composition of the Supreme Court has changed since the case in 2018, with Justices Brett Kavanaugh and Amy Coney Barrett replacing Justices Anthony Kennedy and Ruth Bader Ginsburg, who had championed gay rights¹. If the Supreme Court finds in favor of the webpage designer, the floodgate could open for business owners to exclude LGBTQIA+ people from their services¹. Furthermore, such a decision would send a message of inferiority and exclusion to the LGBTQIA+ community.

So far this year, 34 states have proposed anti-trans legislation according to the Anti-Transgender Legislation Tracker created by Freedom for All Americans². These bills deal with a variety of issues, but many target either transgender participation in sports or gender-affirming health care². Legislation isn’t the only means used to target transgender Americans, executive action has also been leveraged against the trans community. One particularly egregious example of this can be seen in the state of Texas. Last month, Texas Governor Greg Abbott sent a directive to the Texas Department of Family and Protective Services³. Governor Abbott directed the department to investigate parents of transgender youth for child abuse for allowing their children to receive gender-affirming health care³. Such a policy is extremely harmful to transgender youth, who have been shown to have significantly higher rates of depression and suicide when unable to receive gender-affirming care⁴. Furthermore, this policy and others like it send a message to transgender individuals that they are less than.

Learning and intellectual advancement can only prosper when educational environments are safe spaces in which students can be themselves and not be afraid to express who they are. The restrictions that are imposed by the Florida “Don’t Say Gay” Bill and others like it directly impinge upon individuals’ rights to express their identities and produce unwelcoming, disaffirming, and unsafe environments for LGBTQIA+ students in educational spaces. The American Psychological Association (APA) Guidelines for Psychological Practices with Transgender and Gender Nonconforming (TGNC) people specify the key role that resources and information on gender identity and sexual orientation play in affirming TGNC people in their gender identity.


development and helping them explore and locate themselves on the gender spectrum, rather than pathologizing and impeding the process (American Psychological Association, 2015).

Transgender and gender nonconforming people are at an increased risk of experiencing prejudice and discrimination that are anti-trans in nature particularly in educational settings. A national survey of LGBT youth, found that 55.2% of these students reported experiencing verbal harassment, physical harassment (22.7%), and physical assault (11.4%) in their K-12 settings due to their gender expression. Another survey with Transgender and gender nonconforming adults, showed that 15% reported leaving educational settings (kindergarten through college) prematurely because of experiencing harassment. Experiences within schools may only be the beginning of discrimination that LGBTQ+ individuals face and can contribute to increased drop-out rates and lower educational achievement which correlates to lower economic status and higher chance of experiencing economic hardships later in life. The stress related to identity-based discrimination and financial difficulties can be associated with higher levels of mental health problems.

The APA guidelines call for the need to advocate for school policies that aim to protect individuals based on their gender identity and expression, while legislation such as the Florida bill is precisely the opposite of what is required to create supportive, validating, and most importantly safe educational environments for transgender, gender nonconforming, and all individuals counted among gender and sexual minorities. At PSU, it is the University’s responsibility to foster and sustain a climate that values all identities equally and provides spaces for growth and progress that protects its students, especially those who are at risk to be disproportionately affected by prejudicial policies, laws, and practices.

**Recommended Course of Action:**

In order to support LGBTQIA+ students during this trying time, the Penn State Graduate and Professional Student Association formally recommends the University take the following actions:

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1. As per our recommendation nearly a year ago in Resolution # 71-01, install ADA accessible, single user, gender neutral restrooms in all buildings. Alternatively, we recommend the University convert at least one gendered bathroom into a gender-neutral bathroom in each University building.

2. As per our recommendation nearly a year ago in Resolution # 71-01, create options for adding pronouns and correct names on departmental websites that list graduate and professional student names.

3. As per our recommendation nearly a year ago in Resolution # 71-01, update UHS forms to be gender neutral, including those dealing with reproductive health.

4. As per our recommendation nearly a year ago in Resolution # 71-01, hire additional staff at the Center for Sexual and Gender Diversity to increase the availability of the diversity and equity training for faculty, staff, administrators, and the Board of Trustees related to affirming LGBTQIA+ experiences in the classroom and research spaces.

5. Provide additional trans and queer affirming training to all University employees. This training should include information on: language that is considered offensive, the importance of respecting chosen names and pronouns, and other general sensitivity training.

Respectfully submitted,

**Eli Fields**  
Delegate, Penn State Law

**Megan Minnich**  
Delegate, Penn State Law

**Sara Albrecht Soto**  
At-Large Delegate

Affirm  Veto

The Graduate and Professional Student Association