

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])

1 Nature of the Situation:

2
3 The Graduate and Professional Student Association is dedicated to diversity and
4 ensuring that our community is a safe and welcoming place for people of all
5 backgrounds. We endeavor to support all students, regardless of their sexuality or
6 gender. We recognize that our LGBTQIA+ students live in a society which is not always
7 accepting. This fact has been especially apparent recently in light of queerphobic
8 legislation being promulgated across the United States. We condemn these
9 developments and acknowledge their effects on the mental health and overall well-
10 being of our LGBTQIA+ community members. The Graduate and Professional Student
11 Association implores Penn State University to increase its efforts to support LGBTQIA+
12 Penn Staters.

13
14 In February, the Supreme Court destabilized what was considered to be settled law.
15 Previously, the Court held that creative professionals were not exempt from anti-
16 discrimination statutes. However, the Court agreed to hear an appeal from a Colorado

1 website designer who says that she will not create webpages for same-sex weddings¹.
2 The website designer intends to post a message declaring that she would refuse to
3 build websites for same-sex couples and that such an action to the contrary would
4 violate her religious beliefs. In 2018, the Court had a similar issue with a baker who
5 refused to make cakes for gay weddings. The Court sided with the baker on narrow
6 grounds while avoiding the overarching questions of how and when a business can turn
7 away customers under the First Amendment¹. The composition of the Supreme Court
8 has changed since the case in 2018, with Justices Brett Kavanaugh and Amy Coney
9 Barrett replacing Justices Anthony Kennedy and Ruth Bader Ginsburg, who had
10 championed gay rights¹. If the Supreme Court finds in favor of the webpage designer,
11 the floodgate could open for business owners to exclude LGBTQIA+ people from their
12 services¹. Furthermore, such a decision would send a message of inferiority and
13 exclusion to the LGBTQIA+ community.

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

28
29 Learning and intellectual advancement can only prosper when educational
30 environments are safe spaces in which students can be themselves and not be afraid to
31 express who they are. The restrictions that are imposed by the Florida "Don't Say Gay"
32 Bill and others like it directly impinge upon individuals' rights to express their identities
33 and produce unwelcoming, disaffirming, and unsafe environments for LGBTQIA+
34 students in educational spaces. The American Psychological Association (APA)
35 Guidelines for Psychological Practices with Transgender and Gender Nonconforming
36 (TGNC) people specify the key role that resources and information on gender identity
37 and sexual orientation play in affirming TGNC people in their gender identity

¹ Supreme Court Rejoins Debate Over Business and Same-Sex Weddings. (2022, February 22). Bloomberg Law. Retrieved from <https://news.bloomberglaw.com/us-law-week/web-designer-opposed-to-gay-marriage-gets-supreme-court-hearing>

² Legislative Tracker: Anti-Transgender Legislation. Freedom for All Americans. Retrieved from <https://freedomforallamericans.org/legislative-tracker/anti-transgender-legislation/>

³ Abbott, Greg (2022). Letter to the Honorable Jaime Masters. Retrieved from <https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf>

⁴ Tordoff, D. M. M. (2022, February 25). Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care. Adolescent Medicine | JAMA Network Open | JAMA Network.

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

4 Transgender and gender nonconforming people are at an increased risk of experiencing
5 prejudice and discrimination that are anti-trans in nature particularly in educational
6 settings⁵. A national survey of LGBT youth, found that 55.2% of these students reported
7 experiencing verbal harassment, physical harassment (22.7%), and physical assault
8 (11.4%) in their K-12 settings due to their gender expression⁶. Another survey with
9 Transgender and gender nonconforming adults, showed that 15% reported leaving
10 educational settings (kindergarten through college) prematurely because of
11 experiencing harassment⁷. Experiences within schools may only be the beginning of
12 discrimination that LGBTQ+ individuals face and can contribute to increased drop-out
13 rates and lower educational achievement which correlates to lower economic status and
14 higher chance of experiencing economic hardships later in life. The stress related to
15 identity-based discrimination and financial difficulties can be associated with higher
16 levels of mental health problems⁸.

17 The APA guidelines call for the need to advocate for school policies that aim to protect
18 individuals based on their gender identity and expression⁵, while legislation such as the
19 Florida bill is precisely the opposite of what is required to create supportive, validating,
20 and most importantly safe educational environments for transgender, gender
21 nonconforming, and all individuals counted among gender and sexual minorities. At PSU,
22 it is the University's responsibility to foster and sustain a climate that values all identities
23 equally and provides spaces for growth and progress that protects its students, especially
24 those who are at risk to be disproportionately affected by prejudicial policies, laws, and
25 practices.

26

27 **Recommended Course of Action:**

28

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

32

⁵ American Psychological Association. (2015). Guidelines for Psychological Practice with Transgender and Gender Nonconforming People.

⁶ Kosciw, J. G., Greytak, E. A., Palmer, N. A., & Boesen, M. J. (2014). The 2013 National School Climate Survey: The experiences of lesbian, gay, bisexual, and transgender youth in our nation's schools. New York, NY: Gay, Lesbian & Straight Education Network. Retrieved from http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report_0.pdf

⁷ Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Kiesling, M. (2011). Injustice at every turn: A report of the national transgender discrimination survey. Washington, DC: National Center for Transgender Equality & National Gay and Lesbian Task Force. Retrieved from: http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf

⁸ Bockting, W. O., Miner, M. H., Swinburne Romine, R. E., Hamilton, A., & Coleman, E. (2013). Stigma, mental health, and resilience in an online sample of the U.S. transgender population. *American Journal of Public Health*, 103, 943-951. doi:10.2105/AJPH.2013.301241

- 1 1. As per our recommendation nearly a year ago in Resolution # 71-01, install ADA
- 2 accessible, single user, gender neutral restrooms in all buildings. Alternatively,
- 3 we recommend the University convert at least one gendered bathroom into a
- 4 gender-neutral bathroom in each University building.
- 5 2. As per our recommendation nearly a year ago in Resolution # 71-01, create
- 6 options for adding pronouns and correct names on departmental websites that
- 7 list graduate and professional student names.
- 8 3. As per our recommendation nearly a year ago in Resolution # 71-01, update
- 9 UHS forms to be gender neutral, including those dealing with reproductive health.
- 10 4. As per our recommendation nearly a year ago in Resolution # 71-01, hire
- 11 additional staff at the Center for Sexual and Gender Diversity to increase the
- 12 availability of the diversity and equity training for faculty, staff, administrators, and
- 13 the Board of Trustees related to affirming LGBTQIA+ experiences in the
- 14 classroom and research spaces.
- 15 5. Provide additional trans and queer affirming training to all University employees.
- 16 This training should include information on: language that is considered
- 17 offensive, the importance of respecting chosen names and pronouns, and other
- 18 general sensitivity training.
- 19

Respectfully submitted,

Eli Fields
 Delegate, Penn State Law

Megan Minnich
 Delegate, Penn State Law

Sara Albrecht Soto
 At-Large Delegate

President _____ Affirm Veto