

VT-500 BoS CoC Policy on Ensuring a Safe, Healthy, Inclusive, Affirming and Discrimination-free Environment for Persons Identifying as LGBTQIA+

Terminology

LGBTQIA+ is an umbrella acronym that generally stands for lesbian, gay, bisexual, transgender, queer (and/or questioning), intersex and asexual. The acronym is designed to be as inclusive as possible with the “+” including the many individuals who may not identify specifically with any of the listed terms but who identify outside of cisgender and heterosexual norms, for instance, persons identifying as non-binary, genderfluid, Two-Spirit, and other identifiers not contained in LGBTQIA.

Most indigenous communities have specific terms in their own languages for the gender-expansive members of their communities and the social and spiritual roles these individuals fulfill. With over 500 surviving Native American cultures, attitudes related to sex and gender are diverse. Even with the modern adoption of umbrella terms like Two-Spirit, not all cultures perceive two-spirit people the same way or welcome an umbrella term in place of terms already in use by their cultures

Language is constantly evolving, and individuals may use a wide range of language to describe themselves that may or may not be known by staff. The best practice is to cede control to individuals to define their identities in language that makes sense to them, and reflect the language that individuals use to describe themselves. The list of terminology below is not intended to be exhaustive. VT BOS acknowledges the evolving nature of language and encourages programs to remain flexible and open to changing terminology. The following resources maintain up-to-date terminology and can be referenced regularly:

- <https://transequality.org/issues/resources/understanding-transgender-people-the-basics>
- <https://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf>

Non-Discrimination and Non-Harassment Policy

VT BOS is committed to treating all individuals who interact with the CoC and the agencies funded by the CoC with dignity and respect and ensuring that the CoC operates in compliance with human rights and anti-discrimination laws and regulations.

a. Professionalism and Staff Conduct

VT BOS expects that all staff and contractors at VT BOS funded agencies will model appropriate and affirming behavior at all times, as defined by their agencies' codes of conduct and in this policy. Personally-held beliefs about gender identity, gender expression, perceived gender identity, sexual orientation, civil union status or marital status are not permitted to negatively impact the respectful offering and provision of appropriate services, or the respectful treatment of co-workers, clients or community partners. Under no circumstances may any staff member or contractor attempt to convince anyone identifying as LGBTQIA+ to reject or modify their gender identity, sexual orientation, or gender expression. It is also inappropriate to ask questions regarding sexual practices, except as necessary for clinical assessment or reporting abuse.

Authorized staff may inquire about sexual orientation, gender identity, and transgender status only for the purposes of collecting demographic information or as necessary to provide responsive client services. Clients must be informed that disclosure of personal information is voluntary and will not affect eligibility for assistance.

b. Confidentiality and Privacy

All clients, staff, and community partners have a right to privacy, and VT BOS expects that all staff and contractors will respect this right. VT BOS expects that staff and contractors will:

- Treat as confidential all of the following: sexual orientation, transgender status, gender identity, medical history, and names other than the name the client uses;
- Never disclose any of the above information without the client's permission, unless such disclosure is required to properly serve the individual and is consistent with federal, State and local laws;
- If a client grants permission to share this information, staff and contractors share in a professional and respectful manner only to persons who need the information.

c. Collection of Demographic Information

VT BOS and its funded agencies may collect demographic information about gender identity, transgender status, or sexual orientation. As with all personal information, clients have the right to refuse to answer these demographic questions. This information is collected as a condition of funding in many instances and is used to report aggregated numbers to funders. Demographic information may not affect eligibility for assistance except in circumstances of sex-segregated facilities, in which case eligibility determinations must be made based on a client's self-reported gender identity without intrusive questioning or being asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity.

d. Titles Names and Pronouns

VT BOS expects that program staff address individuals by the name, title (e.g., Ms./ Miss /Mrs. /Mr. /Mx.), and pronouns (e.g., he/him/his, she/her/hers, they/them/theirs, or other pronouns) that the individual uses, regardless of the individual's assigned sex at birth, whether the individual has undergone a legal name change, or the individual's gender expression, and without requiring identification or other forms of "proof" of gender identity.

Remember that:

- If you are unsure what title, name, or pronoun a person uses, ask "What name do you go by?" and "What pronouns do you use?" "What title do you use?"
- Once staff have learned a person's name, title, and pronouns, VT BOS considers staff refusal to use the correct name, title and pronouns to be a form of harassment discrimination.

e. Gender Separated Facilities and Services

Some programs, activities, and facilities are gender specific, e.g., a women's shelter or a men's addiction recovery group. HUD's Continuum of Care (CoC) Interim Rule regulates when gender separated facilities are allowable, stating that facilities may be limited to one sex where the facility consists of a single structure with shared bedrooms or bathing facilities such that the

considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex (see 24 CFR 578.93(b)(1)). Where single sex facilities are permissible, it is the policy of VT BOS that all individuals have the right to access such facilities consistent with their gender identity, regardless of gender expression or sex assigned at birth. Clients must be placed in facilities according to their self-reported gender identity. No one may be denied access to a facility serving the gender with which a person identifies, regardless of their assigned sex at birth or gender expression.

In instances where an individual does not identify with a gender that is singularly “male” or “female” (e.g. non-binary, genderfluid, two spirit, a gender outside the binary, etc.), staff may ask the individual to determine the more appropriate gender-based placement as well as the placement that is most likely to be the safest for the individual—either placement with males or with females.

If anyone requests reasonable accommodations to gain greater privacy, providers must take reasonable steps to accommodate the individual, for instance, offering single use restrooms or shower stalls, or accommodating “off hour” shower or restroom usage. Single occupancy restrooms must be made available to people of all genders.

For gender separated services, such as a men’s or women’s recovery group, the same policy applies as above. Individuals have the right to access services consistent with their gender identity, regardless of gender expression or sex assigned at birth, and in instances where an individual does not identify with a gender that is singularly “male” or “female,” staff may ask the individual to determine the appropriate gender separated service for themselves.

f. Safety

LGBTQIA+ identifying people are subjected to greater instances of harassment, bullying, and violence than their non-LGBTQIA+ counterparts. Discrimination can be subtle and often goes unreported and undocumented. Protecting the safety of clients, staff, contractors and community partners who identify as LGBTQIA+ is paramount. VT BOS expects that agencies establish and publicly display anti-discrimination policies and that they promptly, accurately and comprehensively document and address all incidences of harassment, bullying, discrimination or violence against LGBTQIA+ clients, staff, contractors or community partners. Staff members who observe harassment based on sexual orientation, gender identity, transgender status, or any other protected class should take action immediately and document such action in relevant case notes and incident reports in accordance with their agency’s policies. Clients who feel unsafe in a particular program may raise the issue with program staff, VT BOS (email mshimko@hhav.org) or the State of VT Human Rights Commission (see Violations).

g. Health Care

VT BOS expects that programs enact healthcare and medication policies that apply equally to all persons, including gender-affirming medications. Clients identifying as LGBTQIA+ may need access to health services such as gender-affirming medications, surgeries, healthcare services or personal hygiene products, all of which are highly personal. Staff should make every effort to

connect clients with gender affirming healthcare providers for any medical needs and reach out to their supervisors for assistance with identifying these providers. Clients may contact VT BOS with any issues regarding accessing gender affirming services in VT BOS programs. (For contact information see Violations)

h. Dress Code

VT BOS expects that programs enact dress codes that apply equally to all genders and not include gender-specific dress code elements. For instance, programs can apply an equal standard of length to any clothing, without referring to, for example, “women’s skirts” or “men’s shorts.” Staff and clients should never be required to wear clothing or meet grooming standards that are inconsistent with their gender identity or expression, or be forbidden from wearing clothing consistent with their gender identity or expression. Holding employees or clients to different dress and grooming standards based on gender identity or perceived gender identity is considered discrimination by VT BOS.

i. Violations

Any employee or contractor of a VT BOS funded agency who discriminates against, harasses, or violates the rights of an individual identifying as LGBTQIA+, or who retaliates against any individual who opposes such action, is subject to disciplinary action as well as sanctions and penalties imposed by the funded agency, the courts, and the State of VT Human Rights Commission. VT BOS may monitor recipient, subrecipient and contractor compliance with this policy and human rights and anti-discrimination laws and regulations. When making decisions regarding project funding, the VT BOS CoC may consider a pattern of non-compliance or failure to promptly and adequately address non-compliance. Complaints of harassment, discrimination, retaliation, or the creation of a hostile work environment may be reported to the State of VT Human Rights Commission at <https://hrc.vermont.gov/how-to-file>. Complaints may also be submitted to the CoC Program Director at mshimko@hhav.org and HUD’s Office of Fair Housing by either submitting an online form at <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action> or calling 1-800-669-9777.