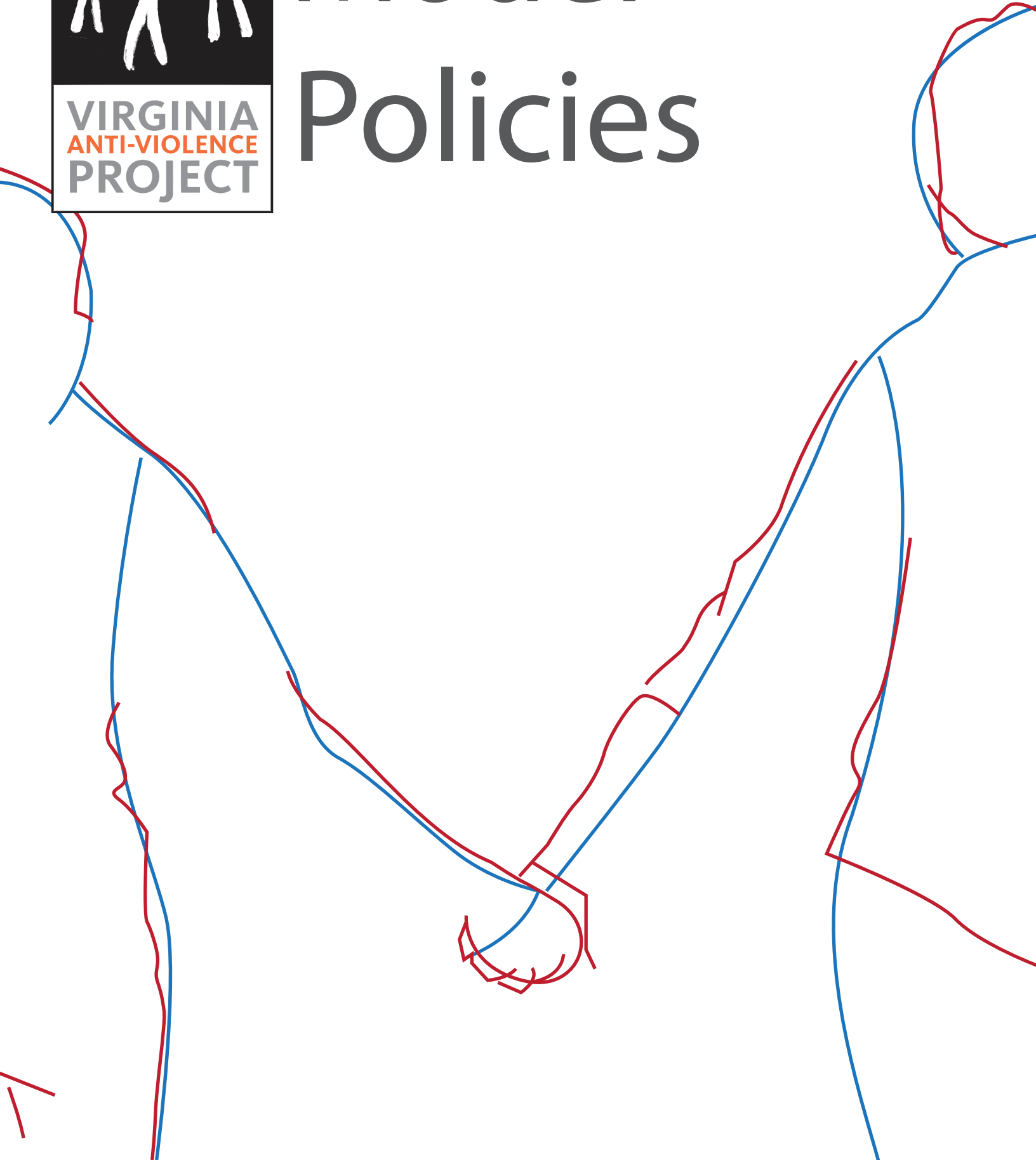




# Model Policies



## Introduction

This guide is intended to assist sexual and domestic violence direct service organizations in Virginia that wish to better serve lesbian, gay, bisexual, transgender, and queer (LGBTQ) victims of violence.

There are two major sections to this guide:

1. Model Policies
2. Best Practices

Based on a review of available literature and examples from the field, combined with an understanding of issues of particular concern to providers and survivors in Virginia, as well as available resources, the Virginia Anti-Violence Project (VAVP) recommends a process within domestic and sexual violence organizations that follows these steps:

- Agency self-assessment.
- Appropriate and timely collaboration with external resource agencies.
- Implementation of policies and procedures as appropriate, including cultural competency training throughout the agency.
- Continuous learning, evaluation, and improvement.

## **Model Policies for Service Organizations**

As part of the process of making your organization more inclusive of lesbian, gay, bisexual, transgender and queer<sup>1</sup> (LGBTQ) people, it is essential that non-discrimination and anti-harassment policies include language specifically addressing sexual orientation<sup>2</sup> and gender identity<sup>3</sup> or expression<sup>4</sup>. By promoting an open, accepting environment with both your employment and service practices, you affirm your organization's commitment to serve those in need without prejudice.

### **Non-Discrimination Personnel Policy**

[Organization] is committed to creating an environment that supports equal employment opportunity and nondiscrimination for all persons, regardless of race, color, religion, sex, age, perceived or actual sexual orientation, gender identity or gender expression, marital status, national origin, or disability.

### **Sexual Orientation and Gender Identity Non-Discrimination Policy for Service Users**

Recognizing that prejudice, discrimination and stereotyping are prevalent through society and dedicated to the creation of a safe, secure space for those seeking services with us, it shall be the policy of [Organization] to maintain and promote a facility that provides the highest quality of services to survivors of sexual and domestic violence regardless of their actual or perceived sexual orientation or gender identity. LGBTQ-identified survivors receiving services at [Organization] shall receive fair and equal treatment, without bias, and shall be treated in a professional manner.

Employees, volunteers and other individuals involved in providing services to LGBTQ-identified survivors shall not discriminate against or harass any survivor in their care and shall immediately report any evidence of discrimination, physical or sexual harassment, and verbal harassment of any such identified persons to their supervisor.

Individuals who feel they have been subject to discrimination or harassment should report this occurrence to [assigned person].

[Organization] will take all reasonable steps within its control to meet the diverse needs of all survivors seeking services and provide an environment in which all individuals are treated

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<sup>1</sup> **Queer:** A political and sometimes controversial term that some LGBT people have reclaimed, while others still consider it derogatory. Used most frequently by younger LGBT people, activists, and academics, the term can refer either to gender identity, sexual orientation, or both and can be used by people of any gender.

<sup>2</sup> **Sexual Orientation:** The culturally-defined set of meanings through which people describe their sexual attractions. Sexual orientation is not static and can shift over time.

<sup>3</sup> **Gender Identity:** An individual's internal view of their gender. Their own innermost sense of themselves as a gendered being and/or as masculine, feminine, androgynous, etc. This will often influence name and pronoun preference.

<sup>4</sup> **Gender Expression:** Aspects of behavior and outward presentation that may (intentionally or unintentionally) communicate gender to others in a given culture or society, including clothing, body language, hairstyles, voice, socialization, relationships, career choices, interests, and presence in gendered spaces (restrooms, places of worship, etc).

with respect and dignity, regardless of sexual orientation, gender identity, or gender expression.

## **Transgender Identification and Support Policy**

### *Employees*

[Organization] recognizes that transgender employees may face additional challenges in the workplace. Affirming our commitment to an inclusive environment, embracing of the diversity of our staff, [Organization] seeks to ensure that employees who are currently transitioning or who have already undergone gender transitions<sup>5</sup> are treated in an equal and respectful manner. Transgender employees are encouraged to dress consistently with their gender identity and should be addressed with the pronouns relevant to the gender with which they identify. Additionally, as [Organization] respects all employees' right to privacy, transgender employees shall not be subject to unwanted questions regarding their status, medical history, or sexual orientation.

### *Service Users*

As part of its commitment to provide services to those in need without discrimination or harassment, [Organization] promotes an environment that is accepting and encouraging to transgender service users. Service users identifying as transgender shall receive support and accommodation from [Organization] in determining their needs. Pronouns used and clothing provided shall reflect the gender with which the survivor identifies, and confidentiality shall be respected in regards to disclosures concerning transgender status, medical history or sexual orientation.

## **Confidentiality and Non-Disclosure Policy**

[Organization] seeks to provide a supportive environment for LGBTQ employees and service users by treating with respect those persons who are open about their sexual orientation or gender identity. [Organization] also recognizes that some people might not wish to share this information with fellow employees, service users, or others involved in the organization and is equally dedicated to respecting the confidentiality of those persons. Employees, volunteers, and other individuals involved in the operation of [Organization] will never reveal sensitive information about an individual's sexual orientation or gender identity without that person's express written consent. Those in violation of this policy will be subject to disciplinary action.

These model policies include policies adapted from the National Center for Lesbian Rights, <http://www.nclrights.org/>.

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<sup>5</sup> **Gender transition:** The process through which a person modifies his or her physical characteristics and/or gender expression to be consistent with his or her gender identity. Gender transition may, *but does not necessarily*, include hormone therapy, sex reassignment surgeries and/or other medical or surgical components. The process may also include telling one's family, friends and/or co-workers, and changing one's name and/or gender on legal documents. As each person's transition is unique to that individual's needs, there is no defined set of steps which add up to a "complete" transition.

## **Best Practices - Recommended Implementation Guidelines for Sexual and Domestic Violence Organizations**

This section includes guides to the following subjects. Note that the order of these sections is *not* intended to dictate an order for how your agency will want to implement better practices for serving LGBTQ survivors.

- (1) Assessing your agency;
- (2) LGBTQ cultural competency training;
- (3) Collaboration with LGBTQ and ally organizations;
- (4) Working with staff, board members, and volunteers;
- (5) Making your organization a welcoming environment;
- (6) Direct services practices, including advocacy, legal, shelter, and group services;
- (7) Outreach and media; and
- (8) Resources.

### **1. Assess Your Agency**

The first step for implementing the model policies described above is figuring out where to start. A thorough organizational assessment should be done so you know what is going well and where the organization can grow to better serve LGBTQ survivors. A good assessment that will serve your agency well will include ascertaining whether the following building blocks are in place for better serving LGBTQ survivors:

- Support is already established for organizational growth toward improving services. This can include people outside of the organization such as key stakeholders, funders, and other allies, and it can include people within the agency, such as coworkers or colleagues. Ideally, both the board and the staff should have a commitment to LGBTQ survivors.
- Involvement of all parties in the process. One way to ensure this is to have an advisory committee formed of staff, board members, volunteers, and survivors.
- Technical assistance and advice from LGBTQ organizations and from other domestic and sexual violence organizations that have gone through a similar process.

In conducting this review, VAVP recommends that organizations use one or more formal assessment tool (see the Resources section of this document for some examples).

### **2. LGBTQ Cultural Competency Training**

The question is not “Do we need more training?” but “How much more training, and in what areas do we need it?” Even the most culturally competent organizations incorporate on-going training around certain topics in order to maintain their competence.

- Trainings should include an introduction to LGBTQ communities (LGBTQ 101). Extra time should be devoted to understanding the needs of transgender communities and individuals, since so many people struggle to understand how they are different from those of LGB persons, and because both national and Virginia data show that transgender

individuals are especially impacted by violence of all kinds.

- Training must also be conducted on the specific issues of LGBTQ partner abuse and the ways that this ties into other forms of violence experienced by LGBTQ persons.
- Agencies should provide screening training. Screening is the process by which DV providers determine which partner is the abuser and which is the survivor in an abusive relationship.
- Because of the powerful links between oppression and violence, anti-oppression training should be an integral part of any sexual or domestic violence service agency's regular staff development curricula. It is important to provide staff and volunteers the vocabulary, conceptual structure, and tools to address situations that arise around issues of oppression within the organization, whether the oppression is related to gender identity and/or sexual orientation, racial identity, class identity, religious identity or another identity.
- Screening, LGBTQ 101, and LGBTQ partner abuse training topics should be covered in new staff and volunteer training. This ensures that (a) new personnel begin with a basic understanding of these areas of knowledge and (b) sends the message that your organization is inclusive of LGBTQ people.

### **3. Collaborate with LGBTQ and Ally Organizations**

Becoming truly LGBTQ inclusive is a demanding, and rewarding, process that requires input from knowledgeable sources. Collaborating early in the process with an organization that has expertise in LGBTQ violence issues is strongly recommended. VAVP can offer tailored technical assistance to organizations in this process. Seeking out and building partnerships with LGBTQ and ally organizations can offer important benefits to sexual and domestic violence organizations:

- Ongoing technical assistance, as noted above, can provide valuable support and address challenges and pitfalls.
- Strong connections to LGBTQ community organizations can be a source of support for you in figuring out how to best serve the needs of survivors.
- Networking with LGBTQ and ally service providers can help you stay informed about other services available for LGBTQ clients.
- Maintaining awareness of current issues relevant to LGBTQ communities, such as legislation that may impact LGBTQ survivors' access to services, can help you understand the social and legal framework that survivors must navigate.
- Good relationships with LGBTQ and ally organizations are a way to create accountability to those communities. These connections can give you the opportunity to find out what LGBTQ providers have heard from survivors about your services and your reputation in LGBTQ communities. LGBTQ providers might be able to offer suggestions for changes you could make to improve accessibility to community members.

### **4. Working with Staff, Board Members, and Volunteers**

LGBTQ people who work and volunteer in domestic and sexual violence organizations must feel safe to be out in that environment, or they will not be able to contribute to making the

organization accessible to LGBTQ survivors.

- The employee handbook and organizational policies should contain anti-discrimination policies that include gender identity, gender expression, and sexual orientation, and marital status, along with other protected classes. Further, they should be paired with carefully outlined procedures for reporting discrimination and harassment.
- Standard procedures for hiring should include advertising positions in LGBTQ publications, message boards, and listservs. Job listings should always clearly state that LGBTQ persons are encouraged to apply. During interviews, prospective employees should be made aware that your organization works with LGBTQ survivors. Assess whether applicants are comfortable with these sections of the agency's mission and policies before making hiring decisions.
- Agencies should protect survivors they work with as well as survivors on staff through a policy of screening all volunteers, employees, and board members during their interview and application process. In addition to this it is important to have a procedure in place to describe how your organization will respond if a staff member or volunteer is being abusive in the workplace or if allegations of abuse are brought to the agency.
- Along the same lines, policies addressing how staff should be supported when they report they are experiencing abuse outside the workplace can include strategies for offering support, planning around safety, and allowing for time off if needed. Policies should include that employees who are survivors should not be coerced to leave their relationships in order to keep their jobs.
- To be fully welcoming to all employees, organizations should have (1) written procedures for accommodating transgender health-related concerns, including gender transition in the event that an employee transitions from one gender to another and (2) domestic partner-inclusive employee benefits, including health insurance and family leave policies.
- Policy and procedure manuals should be easily accessible to all staff and volunteers, and executive staff should be ready to respond to questions regarding policies and procedures.

## **5. Making Your Organization a Welcoming Environment**

- Create and maintain a comprehensive list of local resources for LGBTQ people. Include shelters, medical programs, support groups, legal assistance, hotlines, and any other resources that are LGBTQ specific. Since not all LGBTQ resources are fully trans-inclusive, be sure to include some trans-specific resources. You can start by pulling from the VAVP Resource and Referral Guide. Be sure to keep the list updated and listen to survivors' feedback about which programs work well and which do not.
- Implement a screening process for all those accessing services to determine whether they are a survivor or abuser. This can be an opportunity to build your relationship with the survivor, and help to keep them and the rest of your clients safe. Detailed information about how to implement screening in your organization can be provided by VAVP.
- Agency anti-discrimination and anti-harassment policies must be explicit and be made available to both employees and survivors. Survivors should receive this information in their handbook and during their intake into the program, so that they are receiving it both orally and in written form. Information should similarly be available about how and where

to file a grievance.

- In order to be effective, program staff must act quickly and fairly to implement policies around discrimination and harassment when an incident occurs.
- Forms must be modified to be inclusive of all genders, as the simple choice of male or female does not work for many people. There are a number of options around how to modify forms to be inclusive of transgender and gender non-conforming people. One such option is to have two questions:

Question One: “Sex assigned at birth:  female,  male”

Question Two: “Current gender identity (check all that apply):  woman,  man,  MTF transgender,  FTM transgender,  genderqueer,  other: \_\_\_\_\_,  undisclosed”.

- If your organization requires photo identification, then consider having a space for a survivor’s preferred name along with their legal name. This helps trans people feel more welcome as well as many other people who go by a nickname rather than their legal name.
- Bathrooms must be safe and accessible for transgender and gender non-conforming people. There are many ways to accomplish this. One is to provide single-stall bathrooms. If your program is in a building that has single-stall bathrooms, but not on your floor, you can post a sign next to the gendered bathrooms that indicates where single-stall bathrooms are located in the building. There are other options as well!
- Make LGBTQ books, resources, and pamphlets available to survivors. Keep LGBTQ magazines, newspapers, and service-related brochures in your waiting area. If you have a lending library, ensure that books and movies with LGBTQ topics and/or characters are included in the collection.
- Display LGBTQ-inclusive posters and images in your office or shelter. There are lots of organizations that will send you posters for free or who have posters available online for free download.

## 6. Direct Service Practices:

### **Advocacy**

Being an effective advocate for LGBTQ survivors requires competency in working with LGBTQ communities. Following are ways that advocates and others working in direct service positions can work with survivors in a respectful way.

- Use gender-inclusive language in all levels of your work, including on the phone, in person, in your forms, and when talking about the survivor and the abuser. This shows respect for LGBTQ persons. Conversely, using the wrong term to describe the sexuality or gender of a survivor or their partner can make that person feel unsafe, invisible, and unwelcome. Another way to be respectful is to mirror the language that people use for themselves.
- Consider whether you really need to know how someone identifies their gender. If you are not filling out a form, it may not come up. It may be more functional to simply ask what pronoun the person prefers.



- Be a shield against homophobia, biphobia, transphobia, and heterosexism. Know how systems such as social services and the courts are affected by these biases. Consider making initial advocacy calls to other providers on behalf of the survivor in order to serve as a buffer against homophobia, biphobia, transphobia, and heterosexism and determine how LGBTQ-inclusive a program is. Before making each call, it is important to check with the survivor about how they would like you to address discriminatory comments.
- Help LGBTQ survivors by preparing them to deal with providers who may have biases. Give them an idea of which programs work better with LGBTQ individuals and which do not. Be available to survivors in case they want your help in educating providers about their issues as LGBTQ persons, or if they need your support in dealing with a homophobic, biphobic, transphobic, or heterosexist situation that arises while interacting with a provider.
- Interrupt and confront homophobia, biphobia, transphobia, and heterosexism. When these kinds of remarks or situations go unaddressed, LGBTQ people and their allies can feel hurt, humiliated, angry, embarrassed, or threatened. Additionally, the person making the remark or creating the situation gets the message that it is acceptable to behave in this way. These problematic comments and actions should be interrupted whether they are coming from survivors, from coworkers, or from other providers

### **Safety Planning: Special Considerations for LGBTQ Persons**

- LGBTQ survivors and their abusive partners may share the same small communities, thus requiring very careful safety planning. Do the survivor and abuser have friends in common? If yes, then advocates should help the survivor consider which friends will be likely to keep information confidential and avoid placing the survivor in danger. Similarly, careful planning should be done when a survivor is planning to enter LGBTQ community spaces or when accessing LGBTQ services.
- LGBTQ survivors must take homophobia, biphobia, and transphobia into account when deciding whether or not to access medical or mental health services, public benefits, law enforcement, or the courts. The history of police brutality and other negative interactions between LGBTQ people and service providers make it important to listen to survivors' feelings and concerns during safety planning.
- Homophobia, biphobia, and transphobia can also mean that a LGBTQ survivor either does not have support from family members, their faith community, healthcare providers, and others, or that they legitimately fear losing support if they are outed to these people. This means the survivor may have fewer resources and require extra safety planning around getting needed emotional support.

### **Legal**

- Screening to determine whether you are talking to the survivor or the abuser in a domestic violence situation is extremely important when referring someone to an attorney or when providing legal advocacy. Limited legal resources available to LGBTQ survivors and attorney-client privilege mandates that once lawyers are

working with one partner, they are then barred from working with the other.

- Protective orders are a resource in to LGBTQ survivors in Virginia, but may be difficult to attain in some parts of the state depending on the jurisdiction. Legal advocacy and court accompaniment can be extremely helpful means of support. Further, a domestic violence organization can write a letter of support stating that they believe the individual is a survivor of domestic violence or stalking; they can corroborate the survivor's story as well as educate the judge.

## **Shelter**

- LGBTQ survivors should be offered sleeping arrangements according to their self-identified gender and/or their safety needs. For transgender survivors, this must not be determined for them, nor should it be dependant upon physical appearance or what surgeries they have had. During intake, a shelter staff should talk to the LGBTQ survivor about their safety concerns and privacy needs. Concerns of the survivor can be addressed by providing a bed or room that is closer to the night staff. Staff can offer LGBTQ survivors a single room, but should not require it.
- Keep private information confidential, such as medical information or a client's identification as LGBTQ. This minimizes the risk of discrimination and violence. Transgender status is personal health information and is not the concern of other people. Staff may not ask for medical specifics of a transgender client's transition outside of what is asked of all clients (i.e. medications that are to be kept at the administration counter, specific physical and mental health needs, etc.).
- Donations for transgender women should include razors and larger sized women's clothing. Depriving trans women the ability to shave can put them at risk for harassment and make them uncomfortable about their appearance. Resources should include transgender specific services and programs that take transgender women.
- Donations for gay, bisexual, and transgender men should include gender-appropriate clothing and toiletry items. Resources should include services and programs that take men as well as some that are specifically for men and/or transgender persons.
- Transgender clients who use hormones must be able to access them while at the shelter. Staff will treat this medication in the same manner as all other medication. If the client does not have a prescription, shelter staff will refer them to appropriate services.
- Staff should be aware of and respect the name and pronouns ("he," "she," "ze," or other pronouns of the client's choosing) the client would like staff to use, regardless of legal documentation. Staff should explain to clients the necessity of a legal name being used on forms, with chosen names used by staff and other clients appropriately.
- Ensure safe bathroom and shower options. Staff should discuss the facility's shower and bathroom accommodations with a survivor upon intake. Transgender people should be welcome to use bathrooms and showers that correspond to their self-identified gender or the facilities that feel safest for them. Often this can

include private shower times. However, clients should not be forced to use private bathrooms and shower spaces. Other people's discomfort is not a valid reason to deny a transgender person access to facilities.

### **Group Services**

- Support groups for LGBTQ survivors should be held at confidential times and locations. Confidentiality is particularly important because LGBTQ communities are so much smaller, so the time and location of a support group are more likely to become known to an unsuspecting friend or community member who could pass that information to one of the participant's abusive partner.
- Drop-in groups are not suggested since in LGBTQ relationships, it is much more likely that the abuser will be the same gender as the survivor, so if a same-gender abuser shows up, the facilitator will not immediately be suspicious as they might if a man shows up to a straight group for women. The location and time of a group should therefore be given out on a need-to-know basis.
- Screening is essential to provide safe LGBTQ inclusive support groups. Since LGBTQ abusers can easily pose as survivors and access support groups, they can be a real safety problem for both the survivor and the other participants and facilitators.
- Support group guidelines should have clear and strict boundaries about confidentiality. Guidelines should also include your organization's anti-discrimination policies around race, class, gender, gender identity, sexuality, ethnicity, religion, age, disability, etc. Oppressive or offensive comments or actions in the group setting should be dealt with as soon as possible, and preferably within the group. This sends the message that this is unacceptable and supports members of the group who may have been hurt by the comments or actions.
- Consider the accessibility of your group very carefully. Since sexual and domestic violence services are so scarce for LGBTQ survivors, your group should try to accommodate as many LGBTQ survivors as possible. Accessibility is not just about whether those in wheelchairs can get in. Consider also how you might accommodate deaf persons, those who speak Spanish or other languages besides English, survivors who need childcare, accessibility to mass transit, and parking availability.
- Determine whether you will have mixed-gender groups. Many SDV advocates are uncomfortable with this idea, but organizations where this has been implemented have found them to be very successful, noting that there is amazing power in seeing people of all genders who have experienced partner abuse, sharing similar experiences. Some organizations choose to have one group that is inclusive of all genders and another that is for women only. Women can then decide which group they would prefer to join. Women-only groups must still be inclusive of transgender women and if there are men-only groups, those groups should be inclusive of transgender men. Consider, in deciding what kinds of groups you will offer, that you may only have one man accessing services at a time, and if he is not allowed to join the women's support group, he will not be able to join a group at all.

## 7. Outreach and Media

Consider your organization's public face through the following:

- Revisit your organization's mission and name. Most sexual and domestic violence programs in Virginia have mission statements that are specific to women and their children. This will ensure that many LGBTQ people, especially gay, bisexual, and transgender men, believe that those services are not available to them. For some programs it may be easy to change language of "women and children" to "individuals and families". Others may face more difficult challenges because their name is centered on women.
- Re-examine your agency's philosophical approach to violence. While there is value in feminist analysis of sexism as the root of cause of domestic violence and rape, that explanation is insufficient when trying to explain why women assault other women or why men abuse their male partners. Rather than trying to say that these situations are anomalies or forcing them to fit the sexism model, many organizations have expanded their model to fit all instances of sexual and domestic violence. In this approach to violence, Virginia Anti-Violence Project sees oppression as the root cause of all violence, with sexism being one branch of that root. Oppression includes sexism, racism, homophobia, biphobia, transphobia, heterosexism, ableism, classism, etc. Each form of oppression gives privileged group power at the expense of another.
- List LGBTQ survivors as people you serve on all press releases, brochures, annual reports, web pages, social networking sites, and other publications. Make sure that language in all publications is gender-inclusive. Incorporate stories about LGBTQ survivors and LGBTQ issues into your publications, your outreach, your prevention work, and your trainings.
- Respond to LGBTQ sexual and domestic violence in the media in the same way that your organization responds to all other domestic and sexual violence stories in the media: by dispelling stereotypes, providing information, and letting people know about your services.
- Get the word out to LGBTQ communities in your service area that you exist and are welcoming to LGBTQ people. Advertise in LGBTQ media sources and make sure that LGBTQ service providers know that you work with LGBTQ survivors.
- Attend LGBTQ events. In addition to Pride events and marches, LGBTQ community events can include theater performances, queer softball leagues, dance classes, parenting groups, and a multitude of other activities. Your organization could participate by flyering at these events or working an outreach table, by co-sponsoring an event, volunteering to help out, offering meeting space, or helping with publicity.
- Participate in LGBTQ campaigns and causes. Your organization can support campaigns around legislation and governmental policy change, such as the Virginia State Employment Non-Discrimination Act, by writing press statements to the media, joining coalitions, attending rallies and hearings, or by signing petitions about relevant LGBTQ causes.

## 8. Resources

The following resources served as sources for this document, and VAVP feels that they would serve as useful resources for any organization interested in working on improving accessibility of their services to LGBTQ persons.

Trans Alliance Society, *Trans Inclusion Policy Manual for Women's Organizations*, Winter 2002. <http://www.transalliancesociety.org/education/documents/02womenpolicy.pdf>

Trans Alliance Society, *Exploring Transgendered Community and Gender Based Programs In Greater Victoria*, by Lisa Warrilow, Project of the Vancouver Island Public Interest Research Group's Research Internship Program, Transcend Transgender Support and Education Society and University of Victoria Sociology 373, 2003. <http://www.transalliancesociety.org/education/documents/03vipirg.pdf>

Trans Alliance Society, *Re/Defining Gender and Sex: Educating for Trans, Transsexual, and Intersex Access and Inclusion to Sexual Assault Centers and Transition Houses*, a thesis submitted by Caroline White in accordance with requirements for a Master of Arts Degree in the Department of Educational Studies of the University of British Columbia, 2002. <http://www.transalliancesociety.org/education/documents/03cwhitethesis.pdf>

Transgender Law Center

The Network/La Red

National Coalition of Anti-Violence Projects

This document was adapted, with much gratitude, from the manual *Open Minds/Open Doors: Transforming Domestic Violence Programs to Include LGBTQ Survivors* by The Network/La Red and the *Mandatory and Recommended Shelter Policies* from the Transgender Shelter Access Project, comprised of Safe Haven Coalition, Colorado Anti-Violence Program, community members, and Denver Department of Human Services

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