

Gender-Integrated Shelters: Experience and Advice



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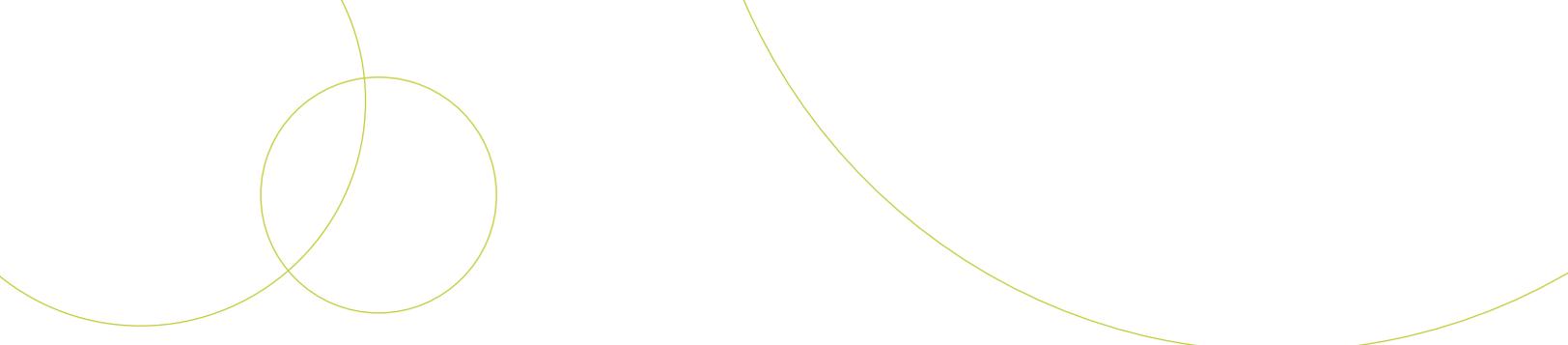


Table of Contents

Authors	iv
Publisher	iv
Date	iv
Permission to reproduce	iv
Acknowledgments	iv
Pictures	iv
WHO IS FORGE?	1
PREFACE	2
GENDER-INTEGRATED SHELTERS: EXPERIENCE AND ADVICE	5
New laws, new models	5
Why FORGE recommends integration	7
SCOPE OF THIS REPORT	9
WHO WAS INTERVIEWED	10
Shelter agency demographics	11
Number of people served	11
WAS INTEGRATING WORTH IT?	12

HOW AGENCIES DECIDED TO INTEGRATE	18
Initial decisions	19
The decision-making process	22
PUSHBACK	23
Staff concerns	23
Client concerns	25
Funder, board, and community concerns	27
Peer organizations and referring agencies	28
PREPARING FOR CHANGE	30
Staff discussions	30
Training staff before integrating	31
Preparing for change:	33
Policies and procedures	33
First integrated clients	35
Name change	35
STRUCTURES, PRIVACY, AND SAFETY	36
Shelter structures	36
Apartments	36
Shared structure, single rooms	37
Shared bedrooms	39
Gendered floors	39
Designated rooms	40
The client decides where to room	40
Bathrooms	41
Redecorating (Non-construction)	45
Safety measures	45
Personal supplies	47

PREVENTING AND ADDRESSING CONFLICT AND BIAS	48
Prevention strategies for staff	49
Prevention strategies for clients	50
Keep expectations firm	52
Conflict resolution strategies	53
Emphasize safety measures	53
Refer or re-house distressed person	53
Mediation	53
Education	54
Familiarity	56
FINAL ADVICE	57
CONCLUSION	61
APPENDICES	62
A. Shelter interview questions	63
Questions about sheltering trans people and non-trans men	63
B. Department of Justice, Frequently Asked Questions: Nondiscrimination Grant Conditions in the Violence Against Women Reauthorization Act of 2013	66
C. FORGE resources	76
D. Sample anti-discrimination policies	78

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Publisher

FORGE is the nation's leading organization focused on violence against transgender and gender non-binary people. Since 2009 FORGE has held multiple federal contracts to provide direct services nationwide to transgender and gender non-binary victims of crime and to provide training and technical assistance to the victim service providers who work with trans and non-binary victims. FORGE was founded in Milwaukee, Wisconsin, in 1994.

Date

October 2016

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Acknowledgments

FORGE greatly appreciates the many shelter staff who consented to long interviews and shared their experience and expertise with the field. FORGE is also grateful to the many transgender and gender non-binary individuals, as well as the non-transgender men, who graciously (if sometimes unknowingly) helped these shelters learn the ways in which their needs do — and don't — differ from those of non-transgender women.

Thank you also go to those who helped locate the shelters. FORGE's Community Engagement and Project Manager, Katie Taylor, set up, completed, and transcribed all of the interviews, and drafted this report. Loree Cook-Daniels, FORGE Policy and Program Director, and michael munson, FORGE's Executive Director, wrote the final version.

Pictures

Pictures in this guide are from the Espavo Project. Espavo means "thank you for taking your power" and features professionally-created portraits that embody the resilience, empowerment and healing of transgender and gender non-binary survivors and loved ones whose lives have been affected by sexual violence. Not every Espavo Project participant identifies as transgender and/or is a direct survivor of sexual violence.

Who is FORGE?

FORGE is a national transgender anti-violence organization, founded in 1994.

Since 2009, FORGE has received federal funds to provide direct services to transgender, gender non-conforming, and gender non-binary survivors of sexual assault. Since 2011, FORGE has served as the only transgender-focused organization federally funded to provide training and technical assistance to providers around the country who work with transgender survivors of sexual assault, domestic and dating violence, and stalking. Through this work, FORGE has tracked continuing and emerging challenges many agencies face in serving survivors of all genders.

FORGE's work is rooted in two foundational principles: Being trauma-informed and empowerment-focused in all aspects of work with both survivors and victim service professionals. The work is also guided by research and evidence-based strategies, however when working with marginalized populations sometimes the most successful solutions require charting new territory and creating new best practices.

FORGE has a long history of crafting dynamic, in-person, remote-access, and print-based training materials in ways that are highly accessible to many types of victim service providers, as well as many learning levels and styles. **Here is a sample of some training materials:**

- Over 50 hours of recorded webinars (<http://forge-forward.org/trainings-events/recorded-webinars>)
- Dozens of short and long publications (<http://forge-forward.org/publications-resources/anti-violence-publications>)
- An extensive toolkit created with the Office for Victims of Crime (<http://www.ovc.gov/pubs/forge/index.html>)

FORGE is also active on social media:

- Facebook (<https://www.facebook.com/FORGE.trans>)
- Twitter (<https://twitter.com/FORGEforward>)
- Instagram (https://www.instagram.com/forge_forward)

For technical assistance or customized training, contact us by email or phone.

- Website: www.FORGE-forward.org
- Email: AskFORGE@FORGE-forward.org
- Telephone: 414-559-2123



Preface

This report focuses on the agencies who have integrated or are in the process of integrating transgender¹, gender non-conforming, or non-binary individuals into their domestic violence shelters. This document does not cover basic information about transgender, gender non-conforming, or non-binary individuals.

FORGE recommends that those new to transgender issues view one of our archived Transgender 101 webinars, such as the following:

TRANSGENDER 101 FOR VICTIM SERVICE PROVIDERS²

This fast-paced webinar is designed to help victim service providers better serve transgender survivors of sexual assault and other forms of violence. Many providers are committed to serving transgender clients, but need additional information in order to provide more competent and sensitive services. This webinar primarily focuses on basic transgender concepts but includes references and examples specific to victim service providers. The components covered include: 1) discussing the diversity under the “transgender umbrella”; 2) exploring social, medical, legal, and other options transgender people may pursue; 3) stimulating thought about which components of a transgender person’s life might (or might not) be relevant to the roles crime victim professionals play; and 4) disseminating resources to support transgender crime victims and the professionals who serve them. Pre-webinar worksheets help guide participants during the webinar.

¹ Throughout this document, we will use fluid language of “trans,” “transgender,” and “non-binary.” We honor and recognize the complexity and multiplicity of gender identities and expressions, as well as acknowledge the diverse language used within this population. We use these words in their broadest meanings, inclusive of those whose identities lie outside of these terms often limiting terms.

² Archived recording available online at <http://forge-forward.org/event/trans101-sept2013/>

Other useful written documents include brief fact sheets:

FAQ: WHO ARE TRANS PEOPLE?

Who are trans people? Transgender basics for victim service providers is a brief transgender 101 overview. This fact sheet is the first in a monthly series that will help victim service providers understand more about the unique challenges and resilience of transgender survivors of sexual assault, domestic violence, dating violence, stalking and hate violence.

<http://forge-forward.org/2012/05/who-are-trans-people/>

FAQ: TERMS PARADOX

Many people feel more comfortable when they have a list of terms and accompanying definitions. In fact, some people believe that knowing exactly what a set of terms means is a critical component of being culturally competent.

<http://forge-forward.org/2012/06/terms-paradox/>

FAQ: MASTER STATUS

It is human nature to categorize, but it often leads us to over-simplify. Providing client-centered services requires a more complex view of who people are. This FAQ describes the “Master Status” concept and gives common examples of the potentially inaccurate conclusions providers may jump to when working with transgender survivors of violence.

<http://forge-forward.org/2012/07/master-status/>

FAQ: PRONOUNS AND TRANS INDIVIDUALS

Most of us take pronouns (he, her, theirs) for granted: we think they are obvious, linked to looks. Not only is it easy to make a mistake when you assume a transgender person’s pronoun, but using the wrong pronoun can make a transgender person feel disrespected and unsafe. This FAQ explains how to respectfully ask someone about their pronoun, and explores some of the gender-neutral alternatives some people use.

<http://forge-forward.org/2015/01/faq-pronouns/>

FAQ: TRANSGENDER RATES OF VIOLENCE

Data on transgender people is scarce and unreliable, as this FAQ explains, and is not critical to meeting survivors’ needs. (Listening to and believing survivors is.) However, some data on violence against trans people is given, along with key references.

<http://forge-forward.org/2012/10/rates-of-violence/>



“ *Just do it.
It's what's right.*”

PHOTO BY LEIGH HOUGHTALING



Gender-integrated shelters: experience and advice

New laws, new models

In March 2013 Congress reauthorized the Violence Against Women Act (VAWA) and created a new grant condition that prohibits discrimination based on gender identity and sexual orientation,

categories that were added to the existing non-discrimination provisions based on actual or perceived sex, race, color, religion, national origin, or disability. The addition, aimed at protecting the lesbian, gay, bisexual, and transgender (LGBT) portion of the population (which is estimated to be three to four percent of the general public),³ might have resulted in relatively small changes in the way Office on Violence Against Women (OVW)-funded agencies work. When the Department of Justice (DOJ) issued its Frequently Asked Questions (FAQ)⁴ guidance document in April 2014, explaining how it expected the new provisions to be implemented, it became clear that agencies may be required to make more substantive changes.

Among other things, the FAQ addressed two service provision models used widely by many agencies that address the victims of domestic violence, sexual assault, dating violence, and stalking:

Programming is “sex-segregated” when males and females receive services in separate settings. Programming is “sex-specific” when a recipient⁵ designs it differently for males and females. Both “sex-segregated” and “sex-specific” programming places individuals in a position to “choose” to identify with a particular sex.⁶”

These service models, the DOJ FAQ continued, may no longer meet non-discrimination requirements:

³ Gates, G. (2011). How many people are lesbian, gay, bisexual, and transgender? The Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>

⁴ U.S. Department of Justice. (2014). *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Act of 2013*. Available from: <http://www.ovw.usdoj.gov/docs/faqs-ngc-vawa.pdf>

⁵ The “recipient” referenced in the DOJ FAQs refers to grantees who receive funds from the Office on Violence Against Women.

⁶ U.S. Department of Justice. (2014). *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Act of 2013*. Available from: <http://www.ovw.usdoj.gov/docs/faqs-ngc-vawa.pdf>

The VAWA non-discrimination grant condition provides that a recipient may offer sex-segregated or sex-specific programming when it is “necessary to the essential operation of a program.” If the Department receives a complaint of sex discrimination based upon a recipient’s sex-segregated or sex-specific services, the onus will be on the recipient to articulate clearly why sex-segregation or sex-specific programming was necessary to the essential operation of the program.... The justification cannot rely on unsupported assumptions or overly broad sex-based generalizations.⁷”

The FAQ goes on to enumerate some of the other factors governing whether sex-segregated or sex-specific services are justified. Among these factors are “the impact the division of services will have on transgender individuals seeking services and *whether similarly situated recipients providing the same services have been successful in providing services effectively in a manner that is not sex-segregated or sex-specific* (emphasis added).” In addition, agencies that provide segregated services must now provide “comparable services” to people of all genders.⁸ DOJ defines “comparable services” this way:

A comparable service is one that is designed to confer a substantially equal benefit. Factors that DOJ will consider, either individually or in the aggregate as appropriate, in determining whether services are comparable include the following: the nature and quality of the services provided, the relative benefits of different therapeutic modalities or interventions, geographic location or other aspects of accessibility, the characteristics of the facilities where services are provided, and the characteristics of the individuals who provide the services. Services need not be identical to be comparable, but they must be of the same or similar quality and duration.

For example, if a recipient has made a fact-specific determination that segregating its shelter by sex is necessary to the essential operation of the program, then the shelter provided to male and female clients must be designed to confer substantially equal benefits. These benefits might include a secure and furnished sleeping area, bathroom facilities, kitchen facilities or access to food, case management, social services, and transportation to supportive services. The recipient must make every reasonable effort to ensure that the shelter provided to male and female beneficiaries is comparable in safety, quality, and amenities. The recipient must also make every reasonable effort to ensure that, if male clients are housed off-site, they are integrated into the recipient’s other, non-shelter services. If the recipient provides counseling, legal advocacy, or parenting groups in its primary building, then it must make every reasonable effort to arrange for transportation to that building so that the male victim or survivor housed remotely can participate in all of the supportive services that the recipient provides.”⁹

⁷ U.S. Department of Justice. (2014). *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Act of 2013*. Available from: <http://www.ovv.usdoj.gov/docs/faqs-ngc-vawa.pdf>

⁸ All genders indicates women, men, transgender and non-binary individuals.

⁹ U.S. Department of Justice. (2014). *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Act of 2013*. Available from: <http://www.ovv.usdoj.gov/docs/faqs-ngc-vawa.pdf>

Why FORGE recommends integration

Not all shelters providing emergency, temporary, transitional or permanent housing for victims of domestic violence, family violence, sexual abuse and/or other intimate crimes get some or all of their funding via federal Violence Against Women Act funds and hence are covered by the new non-discrimination law. Nevertheless, FORGE believes that best practices call for shelters to provide integrated services that are open to all genders. The three primary reasons for this recommendation are 1. Avoiding revictimization, 2. Minimizing cost, and 3. Transgender survivors: emerging populations.

1. Avoiding revictimization

When FORGE surveyed more than 1,000 transgender and non-binary individuals in 2011 about whether they would access mainstream domestic violence or sexual assault services, and if not, why not, it became very clear that many would not even approach such an agency. Nearly two-thirds (61%) would not or might not access a domestic violence shelter, the highest refusal rate of the 14 victim services we asked about, save one: 63% said they would not or might not access a rape crisis center even if they'd been sexually assaulted.¹⁰ The number one reason why trans people said they would not access a domestic violence shelter or other victim services agency was fear (usually of being mistreated in some way), followed by concern that the agency would not be trans welcoming or culturally competent. Other reasons they said they might not or would not access mainstream services were, in order: that they didn't know what the service was, the service had a reputation for being unfriendly to trans people or men; the service was (or was thought to be) only for women; shame, embarrassment, or stigma; concern that seeking services would only make things worse; systemic problems (such as few successful prosecutions of perpetrators); and cost (many transgender people obviously do not know that many victim services are provided free of cost).

Not requesting victim services because a survivor fears they will not be treated with respect and dignity is a form of revictimization. So are other encounters that transgender people who have experienced domestic violence and/or sexual assault have reported: the trans-masculine person who was repeatedly called "a rapist" when he asked a rape crisis line for emergency assistance after he was sexually assaulted; the trans woman who was told that because she "wasn't a real woman" the domestic violence women's shelter wouldn't serve her; the trans and non-binary people who were told they would have to describe the shape of their genitals before agencies could figure out whether or where they would serve them.

Domestic violence and sexual assault agencies know well that some of the most important services for victims include the ability and willingness to listen to and believe survivors. This attention is a healing antidote to the terror, lack of control, and personal erasure that are some of the most damaging parts of being a victim of violence. When survivors



¹⁰ Munson, M. & Cook-Daniels, L. (2011). Transgender Individuals' Knowledge of and Willingness to Use Sexual Assault Programs. Unpublished manuscript. Milwaukee, WI.

fear that a victim service agency will reject them because of their gender (let alone when they actually experience such a rejection), the agency has failed in its mission to provide safety and healing for victims. FORGE believes it is critical for victim service agencies to publicly counter the myth that only some victims are worth believing and caring for.

2. Minimizing cost

One of the first questions many service providers have asked about the new non-discrimination conditions and the FAQ is “Who is going to pay for the necessary changes?” Of particular concern to many providers is the new requirement that victims who are transgender or who identify as male be offered “comparable services,” a requirement that may be in opposition to the current widespread practice of offering these domestic violence victims a few nights’ lodging in a hotel rather than admittance to the existing group shelter that offers longer stays and many more group benefits.

There are no new monies to implement the new non-discrimination requirements. So agencies that choose to continue to house transgender and male victims in facilities separate from where they serve non-transgender female victims have to come up with new funds or volunteer systems to provide transportation to make sure these victims can access all of the same services as the rest of their clients. Integrated shelter structures that house all genders therefore reduce the total cost to agencies and provide, by default, more comparable services to all survivors.

3. Transgender survivors: emerging populations

If an agency offers sex-segregated services, the FAQ call for transgender victims to be assigned “to the group or service which corresponds to the gender with which the beneficiary identifies.” This self-determination method will allow many transgender victims assignment into the sex-segregated placement that best aligns with their gender identity. However, for the rapidly-growing segment of the population that identifies as gender non-conforming or non-binary, they may feel an additional burden or stress if asked to choose between binary options of male or female — neither of which correspond with the gender they identify with.

FORGE offers group services nationally to transgender survivors of sexual assault. We always ask participants to tell us the pronoun they want people to use when referring to them. In summer 2014, for the first time, the *majority* of group participants indicated they used a pronoun other than “he” or “she.” While this finding does not by itself indicate that these individuals would be uncomfortable in sex-segregated space, it is indicative of the growing population of (predominately) young people who are not willing to declare themselves — and do not identify as — either “men” or “women.” Since the FAQs do say that agencies offering sex-segregated services must consider those services’ “impact on transgender individuals seeking services,” the service implications of this growing population of non-binary individuals deserve serious consideration.

For the above three reasons (among others), FORGE believes the most cost-effective and healing way of implementing DOJ’s new non-discrimination provisions is to provide integrated services to all victims regardless of their sex or gender identity. To help agencies begin to imagine how they can integrate their services, this report focuses on the service that is widely viewed as the most sex-segregated: emergency and transitional shelter services.

Scope of this report

This report gives voice to the people who have on-the-ground experience on the cutting edge serving transgender, non-binary, and non-transgender male domestic violence survivors.

Although FORGE's primary focus is on transgender and non-binary survivors of violence, the interviewer asked shelter staff about their experiences with non-transgender men¹¹ too. FORGE's experience in working with both service providers and transgender survivors themselves is that oftentimes the barriers to serving transgender and non-binary survivors have less to do with their being *transgender* and more to do with the fact that they are *not perceived as women*. This is a problem not just for trans-masculine and gender non-conforming individuals who may not "look female," but also for trans women, if their gender history is known or suspected. FORGE therefore believes that in order to fully serve all transgender and non-binary people, shelter services must address the barriers to serving non-transgender men as well. Accordingly the quotes from shelters that serve transgender individuals or non-transgender men show how those shelters have overcome sex- and gender-based barriers.

If you or your shelter is new to working with transgender and non-binary survivors (or if you provide a service other than shelter for survivors of domestic violence, sexual assault, dating violence, or stalking), we urge you to consult our website (www.forge-forward.org) for both online training and best practice guides.

¹¹ Throughout this document, FORGE will use "non-transgender men" to denote men who do not identify as transgender or do not have a transgender history. When body text just uses "men," the content may relate to men of all gender histories (both trans and non-trans men). Quotes from shelters often use just the word "men" to refer exclusively to non-trans men. These quotes have not been altered and are captured in this document as direct quotes from the shelter interviews.

Who was interviewed

In the summer and fall of 2015, FORGE staff contacted 135 shelters and allied agencies that were believed to meet the criteria of serving transgender individuals and/or non-transgender men.

Of the 135 agencies, 20 interviews were completed with qualifying agencies. Interviewed shelters were from across the country: 3 northwest, 2 southwest, 3 south central, 3 midwest, 7 northeast, 2 southeast.

SHELTERS PARTICIPATING IN INTERVIEWS



An explicit agreement was made with the interviewed shelters that their information would remain confidential and anonymous, in order for the interviews to venture into vulnerable territory, including challenges as well as successes of gender-integration. Therefore, the content of this document includes extensive quotations and insights from shelters, but individual shelters are not cited.

Shelter agency demographics

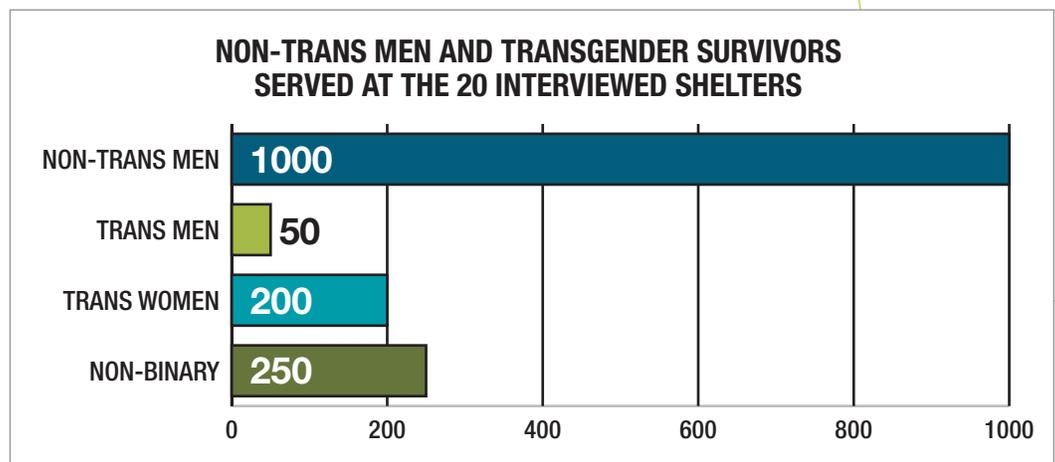
The number of beds each shelter had ranged from 2 to 75. Two of them were LGBTQ-specific shelters, one for youth and one for adults. The 20 shelters were well-established shelters that collectively averaged 20 years of shelter service. Approximately half of the shelters were houses in residential communities that had fewer than 20 beds. Several were larger apartment-style buildings, dorms, or converted military housing that had upwards of 60 beds. Three were nursing home facilities that set aside rooms specifically for elders who had been abused or sexually assaulted by their spouses or partners, family members, or other trusted loved ones. One was a scattered site shelter with confidential locations in a variety of motels and hotels. Most gave clients 30 to 90 days of emergency shelter with the option of transitional housing or extensions based on circumstances.

Number of people served

Many of the interviewees could not give specific numbers on exactly how many trans men, trans women, gender non-conforming individuals, and non-trans men they have sheltered, either in the aggregate or over the past year or two. There are many reasons for the data gap. Many shelters do not collect or keep data on the identities of those they serve. Trans people may be served without disclosing their trans identity or history. Few, if any, shelters ask people if they identify as non-binary; instead, others usually assign people that category, even if the individuals themselves would choose another label (which could be butch, femme, lesbian, queer, or many other labels). Some of the people interviewed spoke only from their personal experience and could not give overall shelter data.

Depending on the demographic category being discussed, estimates of those served ranged from 0 (in many cases) to between 300 and 500 (in this case, non-trans men). Overall, the 20 shelters had taken in well over 1,000 non-trans men. Trans men, on the other hand, were far scarcer: barely 50 have been served. About four times as many trans women have been sheltered (the estimated collective total was just over 200). As noted, counting non-binary survivors is extremely difficult, but the 20 shelters collectively guessed they had sheltered just over 250 non-binary survivors.

Regardless of how many transgender, non-binary, or non-transgender men they had actually housed, every interviewee had extensive experiences and advice they were eager to share with other shelters.



Was integrating worth it?

Change requires embracing the unknown, which can be scary. But when the FORGE interviewer asked if the shelter staff believe they did the right thing by integrating, the answer, universally, was yes.

Some explained that integration fit their values or aligned with the reason they entered the domestic violence field.

“

Just do it. It is what's right.”

“

I just wonder how other shelters can turn people away, especially when we're supposed to be non-judgmental. They're abused! They need help. Doesn't matter if they're gay or trans. They need help.”

“

Staff need an open mind and focus that they're helping human beings and victims, that they're breaking the cycle of abuse for human beings.”

“

When you're it for people, when you're in a rural community and the end all and be all, you're it for people. You don't get to pick people! You have to help everyone who comes to your door. When you're a rural shelter, you get exposed to the cross section of everyone who needs help.”

“

It has always been our philosophy to help men. They are abused, neglected, and need help.”

Many others told stories that made a similar point: the work is rewarding.

“

I am proud that we have so many resources for trans people now. We have places they can go if they want to change their names/ identification and get proper hormones and not street hormones. We have a therapist who is trans that we can call in to help trans clients. I mean, trans clients are really just a different type of client that needs different resources. It's not any big mystery. You just find out what they need, just like any other type of client.”

“

One man, who I assumed was trans or gender non-conforming, had a lot of concerns about coming into shelter. He expressed a lot of relief about how welcoming the space was and how safe he was there. He sent pictures of the space to his mom and his family felt good about where he was at. His anxiety level was so high! And he was able to breathe and feel good about where he was at.”

“

A very young gay male had come in whose partner had infected him with HIV. He went back to his partner three times. His partner was incredibly older and got him hooked on meth. We were able to hook him up with a local HIV organization and he got tested and found out his status. He was devastated. By the third time in shelter, he was able to get out of the situation, get drug counseling help, and move out on his own successfully.”

“

There was a cisman [non-transgender man] who was eternally grateful for all of the resources that we provided to him. He was an educated man who had little power in the community whose partner kept him as a stay-at-home father and sort of locked him away and he was able to get validated there and to be successful.”

Some shelters were proud that they made residents who had previously experienced rejection feel valued and respected:

“

There was a trans woman who was dumped on us from another shelter and was so grateful to have gotten safe shelter and permanent housing through our agency. There was another trans woman who called the hotline and told the crisis worker she was a trans woman and disclosed she was undergoing hormone treatments. It was a positive experience because when we spoke with the woman on where she would like permanent housing, the staff knew how to safety plan specifically for trans women's needs so she could have a positive relocation into another shelter.”

“

There were a couple people who came in who possibly identified as gay men but who didn't openly identify. One man suffered a stroke and had significant cognitive impairment so couldn't really speak, and he was transferred from another home because he had been observed to have been having sexual encounters with his roommate, and a nurse there walked in and assumed that he had been assaulted, that it wasn't consensual, and called the police on the roommate. From everyone that our staff spoke with, they couldn't get clear on whether or not it was abuse, but our staff thought it might have been the nursing home's prejudice that spoke to the act as abuse; that the nursing home he was in, they were the abusers. We acknowledged his identity and encouraged people from the gay community to come and visit him. I feel this is a positive story because I feel he's freer of prejudice here.”

“

For cisgender [non-transgender] men that we've served, the majority of them upon leaving give us positive things they've experience during their exit interview: they were thankful that there was a place they could go, they felt welcome, etc.”

The sense of connection and support residents can find in shelter was clearly a valued outcome for many shelters:

“

I worked with a trans woman who had substance abuse issues and put herself into a survival-crime situation of living for earning money, and when she came to shelter, she was so happy to see someone who worked there who identified similarly to her. She was excited to learn about substance abuse assistance in LGBTQ agencies where people could understand her needs.”

“

When someone comes in who is trans and you just plod along and do your job without too much fuss or fanfare, it just feels great. It feels great that you are prepped and fairly familiar with their concerns and that you can respond competently and comfortably.... It's just the way it should be. That's what we try to do. It's GREAT when they know their gender is respected. If we can be committed to their safety, which is what we're all about, and treating each other well, that's the success story. And we've had those success stories, so that's good.”

“

Almost every man who comes through we consider a success. It's nice for them to have people who understand what they've been going through, and talking about their situation is new and good for them. They recognize they're not alone and they're not the only man who goes through this.”

PHOTO BY LEIGH HOUGHTALING



Several shelters pointed to the learning opportunities that integrated shelters create for residents as a reason they liked working in an integrated shelter:

“

A trans person came in a couple years ago, a trans woman, and staff were afraid that clients would be mean to her because she didn't pass as a woman.¹² But she became everyone's best friend, she babysat for everyone, they loved her. Everyone learned that she was a part of the family. I think that it was a lesson for all the clients staying in shelter at that time.”

“

Of the people who were concerned [about being in an integrated shelter], they were concerned about safety because they had male abusers and were afraid the men in shelter were abusers. But once people get to know each other, it's never a problem! That's the beautiful thing. The counseling groups are open, and the women learn about the men and trans people, and they realize they have shared experiences, and it's been hugely positive.”

“

Straight clients always have “aha” moments and are educated on the trials LGBTQ clients face. They are embarrassed about how they used to act to LGBTQ people before shelter. It is usually a very enlightening experience for them.”

“

The men who've been here have never cooked before or maybe never cleaned before, and it's interesting how the clients help each other learn these things or share child care in the house. We've been amazed how they try to help each other.”

“

We've helped an older adult man who had the funds and the means to take care of himself, but he was taken advantage of by two women, and he needed to be in a safe environment so that he could get good access to services. He was a grandfather type who was very respectful to the women in shelter. The other man was younger, but kind of the same thing except he had children with him, and the women would see him get up and take care of the kids, and the women could relate to him better.”

¹² “Passing” is a term that refers to whether or not observers consistently correctly perceive a transgender person's gender identity. This term implies binary gender (male/female) and that individuals would want to present their gender in specific, binary, ways. Many trans, gender non-conforming, and non-binary people find the term and concept of “passing” to be both disrespectful and limiting.

One shelter was proud of the “investment” it had made in sex-integration:

“

It’s a great investment. Now we’re seeing a lot more men call, particularly gay men. The need is out there, men don’t think [shelter] is available to them. Word of mouth is getting out, and I’ve consistently seen at least 1-2 men all of the time in shelter. It’s a worthwhile step. Since we’ve done it, no one thinks we should go back to how it was.”

Some shelters admitted that they had been worried about what would happen, but it turns out they were thrilled with the results. Here are how three shelters summarized their experiences:

“

It’s been successful! We haven’t had anything happen that was bad.”

“

Across the board, having men in shelter and accommodating trans people has been nothing but a positive experience. All those myths never happened. We had the same problems with all women as people think you would have with men and trans people: women had sex with women, they were violent, etc. We pride ourselves on having the least amount of barriers to get in the door.”

“

We were afraid we were going to have to change all of our service models because we were sheltering men, and in reality, we didn’t. We had to tweak things a bit, but working with survivors is working with survivors. That was a big learning experience for us and once staff got over the fence on it and once they sheltered the first man, staff were different.”



How agencies decided to integrate

Eight of the 20 shelters had served transgender, non-binary, and non-trans male survivors from their inception, although some staff noted that it was only within the last few years that they actually started getting calls from these communities seeking help. So while they had always been open, their actual integration experiences were still fresh. The other 12 shelters had made a midstream decision to integrate. Some shelters accommodated various populations at different points:

WHEN SHELTERS BECAME GENDER-INTEGRATED

8 Shelters from Inception

12 Shelters Integrated Later

8 of 20 shelters had served trans, non-binary and non-trans men since their inception

“

We've always been open to serving men, but just started actually serving men in the last six years. We've always been open to serving trans people as long as they identified as female... Now we serve everyone.”

“

For 20 years we've served men, but we started serving trans people when they showed up about four or five years ago.”

“

We were OK with trans women to come into shelter before and now without showing any trans ID or having to be “post-op.” We used to not allow FTM clients in because in general, the client had to ‘look female’ in order to gain access. When we got our new building, we began serving the trans and male community.”

Initial decisions

How did the shelters that had been originally set up to serve only (usually non-transgender) women decide to integrate, given that when they did so, there was no mandate and the general practice was *not* to integrate?

There were many answers to that question. Some shelters looked at “unmet needs,” either as a part of a regular review of their services or as a one-time effort. Others were driven by values such as “equity,” wanting to provide similar services to similar types of survivors. Some were responding to an increased number of requests for shelter from survivors who were not non-transgender women. A few used the decision to move or build their own facility as an opportunity to review who they served. And, occasionally, one in-house advocate pushed for the change.

One shelter has a recurring process for identifying and addressing unmet community needs, and the integration idea started there:

“

We have staff retreats four times a year and we discuss what populations we're not serving and how we can serve them and the outreach, etc. The discussions started there.”

Another undertook a top-to-bottom review of their program and decided that the choices they were asking survivors to make were “impossible”:

“

When we overhauled the residential program after I got there, we literally looked at it from the first point of contact (hotline) and we looked at what we offer people. We started asking what services do we have for men? For men with kids? For people with disabilities? We have a 72-hour assessment that we work through with clients, and we learned a lot from those. Back in the day we didn't even include women with male children over the age of 12. We recognized that that exclusion made people make impossible choices.”

Sometimes the decision was made before the person FORGE interviewed was on the scene, so they were not always clear on how and why the initial decision was made.

“

It was before my time, but I've heard that people identified it was a need in our community because there weren't housing options for men and trans people.”

Other shelters responded to increasing requests from male survivors:

“

We started to get a lot of hotline calls from men who grew up in violent homes and were now in a DV situation and needed help. It was mainly word of mouth, and we also got a lot of referrals from [a local LGBT organization]. It just started picking up from there.”

“

We just got a lot of calls from men, and they were upset they couldn't find services anywhere. Then we just took them in.”

“

During weekly case review, it was announced that we had men interested in coming to shelter.”

“

The decision was made by the people who ran the shelter at the time because they saw a lot of men who weren't getting served. They wanted to offer them the same services as women.”

Two shelters decided to use the opportunity presented by opening a new building to expand their admission criteria:

“

Since I've been the program manager, for 12 years, FTMs have always been allowed in shelter, MTFs just the past three years. That's when we got our new building and began serving the trans and male community.”

“

The decision was made at the leadership level and was sparked by a capital campaign and the building of a new building. We looked at it as a great opportunity to expand who we served. Kind of like a fresh start. There were only a couple other shelters in the area who were serving men, so we talked to them and got ideas. Then we went to staff with a plan in place.”

A growing national movement, led in part by the Washington State Coalition Against Domestic Violence, is urging shelter programs to move into structures that offer survivors individual apartments.¹³ One shelter revisited its admissions policy as part of this change:

“

About six years ago the program went from a communal living space to apartment style, and that's when we started serving men. We've always served trans women in theory, but about six years ago is when we started serving trans men, too. All of this started when we began partnering with [a local LGBT anti-violence organization].”

Integration also happened as a result of one staff member stepping forward:

“

I've worked there nine years and after starting, started our LGBTQ work. That began my education and awakening about the need to shelter all people.”

And in at least one case, it seemed to have been a collective, leadership decision:

“

The senior staff made the decision, researched how to do it, and then they made the announcement to the whole staff at a staff meeting.”

PHOTO BY LEIGH HOUGHTALING



¹³ For a description of how this project developed, see <http://buildingdignity.wscadv.org/background/history/>

The decision-making process

Making a decision to integrate is one thing; getting buy-in and implementing the change is another. The shelters interviewed had a wide range of experiences with this stage.

One shelter said simply:

“

We just did it. That was it. No big fuss about it.”

A second shelter engaged in a more formal process:

“

We've done a lot of work on inclusiveness and worked with a foundation to assess where the needs were and how we could meet those needs. We also talked to providers and funders and got all the information together to make the decision to transition.”

In a third case, the advocate pushing for change encountered numerous roadblocks:

“

Yes, four years ago we opened a new shelter and we went to apartment-style shelter, non-communal. I was trying to be gender inclusive for years and was told no because of bathrooms — because it always comes down to issues with bathrooms. Then when we got the new shelter I was told to hold off for a year before being gender inclusive to see how the newness of the building works out and let people get settled. Then exactly one year later I tried again, and the board of directors was afraid of pushback from donors, and staff had concerns so we did a lot of education and now after all that, we serve everyone.”

When the advocate went to the board, she prepared a white paper presentation for them:

“

The questions they had during the white paper presentation I gave were so surprising and “off”. They thought all the women in shelter were deathly afraid of men in general and never wanted to be around men again, and they assumed all the women in shelter were straight. So I had a lot of education to do about lesbians, women victims in general, etc. At the end they were like, you really didn't need to come to us with this because it's your job to run the daily operations and we just support your decisions. But my CEO was the one who thought I needed their permission.”

Pushback

There were several times throughout the interviews that FORGE asked about negative experiences before, during, and after the shelter's transition from being a space predominately for non-trans women to accepting transgender survivors and non-trans male survivors. This section explores themes in the types of pushback shelters faced, and whether the ways staff responded worked.

Most of the resistance came from staff and clients. Boards of directors, funders, community members, and peer organizations and referring agencies showed less resistance and voiced fewer concerns. This report addresses the concerns first, followed by the processes shelters engaged in to try to address those concerns.

PHOTO BY LEIGH HOUGHTALING

Staff concerns

Although a few shelters reported not having any pushback from staff, the majority of interviewees said that staff were their biggest challenge before, during, and after the shelter transitioned its admissions process.

There appeared to be more pushback regarding admitting non-trans men than admitting transgender people. The most frequently reported pushback from staff about accepting non-trans men into shelter were:

- Men¹⁴ would sexually assault women or children in the shelter.
- The presence of heterosexual men would invite romantic or sexual relationships with women in the shelter.
- Men would start abusive relationships with women in shelter.
- Men who were abusers to victims in the shelter would try to get admitted.
- The shelter would lose clients as non-trans women would not want to stay there.



¹⁴ The use of “men” in this list indicates non-transgender men.

Objections to sheltering trans people were often described as problems with “LGBT” clients. And many times, the interviewer had to specifically ask if there were concerns about serving transgender people, since the interviewee had only addressed the concerns about non-trans men. The most commonly-reported transgender-specific objections were:

- Gay men and trans women would molest children in the shelter.
- Staff feared offending LGB and T survivors by not saying the right thing. Staff weren’t prepared enough at that point to be as affirming as they wanted to be. They needed more education so as to not offend survivors.

Most of the interviewees said staff members had multiple concerns.

“

There was and is still pushback in serving men, not necessarily trans people. People say things like, “Can we be sure that man is a victim?” Staff worry about sexual relationships between men and women that are not healthy (in their mind). There’s more of a bias toward men with regards to money — “Can’t they just get a hotel or get a job and move on; they don’t have kids to worry about so do they really need shelter?” etc.”

“

Night staff had concerns about having a man in shelter and generally people were afraid of admitting perpetrators. There were a lot of discussions about how we were going to screen people. Is there going to be sexual tension between clients? And also I’ve heard people recently say, are we admitting pedophiles, because of admitting gay men and trans women and fears that they are pedophiles. Fears of the unknown, I guess. We’ve worked closely with the [local LGBT anti-violence project] and they’ve trained us a lot, so we still have work to do, but we’re in touch with people who are doing good work to help us.”

“

A few people were concerned that abusers tried to get in, posing as victims. They feared that it would create a dating scene and romantic relationships would form between female and male victims or that men would sexually assault the women.”

“

People were scared about having men in shelter. There was some ignorance with beliefs about LGBTQ people. They were worried about bathrooms. They were worried men and women would have intimate relationships.”

“

Staff were well intentioned but not degreed professionals — it was like the difference between GED and high school people. The concerns were that they were men, they are abusers, they’re pigs, they’re the enemy.”

One shelter reported that staff seemed particularly concerned about “not doing it right”:

“

People were afraid to offend people who were LGBTQ — they had good intentions but were just scared to do something wrong. Fear of the unknown. Fear of being made fun of, etc.”

Both female *and* male staff had concerns:

“

It was mainly male staff who were uncomfortable with taking in LGBTQ clients, and we talked to them about their feelings. The staff members eventually were educated via trainings and etc. Then once they were exposed to the LGBTQ community, they realized they’re like everyone else and they need help.”

Client concerns

Nearly everyone FORGE interviewed reported at least one incident of pushback from clients during their process of accepting transgender and non-trans male survivors into shelter. One shelter worker, however, said they were surprised the clients did *not* object:

“

No, we were scared that clients would be hostile towards trans people, but to my surprise, there have been no incidents.”

The most common concern clients expressed can be traced back to the widespread common myth that all domestic violence perpetrators are male and all their victims are female:

“

Some clients were concerned that we were serving men, asking questions like, “How do you know that men are survivors and not perpetrators?” So I educated them on the screening process.”

“

Clients were mostly concerned that men shouldn’t be here, and because they’re women they shouldn’t have to be around men at all. Clients felt men should have their own shelters because they had been victimized by men so they shouldn’t have to be around men at all. We educated them about who a victim is and it doesn’t matter whether they’re male or female, both can be victims. We offered to help take them to other shelters if they felt that unsafe.”

“

Women in shelter were concerned at first because their abusers had been male.”

“

Because the women’s abusers were male, they felt unsafe around men.”

Non-transgender male clients sometimes objected to transgender women or gay men:

“

There was one man who was straight who had a problem with a trans woman, and he ended up leaving after we told him we wouldn't tolerate his behavior and gave him a referral list of other places he could go if he wouldn't shape up.”

“

The residents had a problem with gay men, more so than transgender individuals. The trans women wanted to be in with women, mainly. So male clients had more issues with gay men because they had to room with them.”

One interviewee thought the social norms in the area where she currently worked suppressed client concerns:

“

[This area] is a weird place and people here don't talk about their honest feelings, so the culture here has prohibited people from saying they feel uncomfortable. There's this progressive nature here, and everyone is aware of that. When there have been trans people in groups, I can tell other clients are having a reaction, but they don't talk about it out loud. I feel there's a lot of stuff that goes unsaid. Where I used to work, when we would serve trans people, folks would freak out. I never see that happen here. Of course, the way our shelter is set up, the clients don't have many opportunities to mingle together, so there's not the environment where they need to really deal with each other.”

Other client concerns were vague or wide-ranging:

“

[Female] clients have said they're scared of men, men shouldn't be here, they don't believe in LGBTQ community, I don't want to share a house with a lesbian, I'm frightened, she looks like a man, I'm going home because this is worse than the situation I left, asking to move to a different room away from them.”

“

Some of the women have had a little bit of uneasiness.”

“

One or two [female] residents weren't happy about men being there. Some people aren't comfortable.”

Funder, board, and community concerns

Few shelters reported experiencing pushback from community members or their boards of directors. *No* shelter reported losing funding, and only one reported being questioned by a donor, in this case, a conservative Christian:

“

In general this woman had an issue with our service to the LGBTQ community. She gave us money every year, and when she saw us marching in the Pride parade, she called and asked if her money could NOT go to LGBTQ people. I explained that we help everyone who has been abused. The donor didn't understand why the shelter staff even went to Pride. I explained that the agency is willing and able to help everyone. This donor was a very conservative Christian, and at the end of the call she explained she was embarrassed about why she originally called and that the \$5,000 she gives each year could go to whoever needed it.”

One shelter reported community pushback when it hired male staff:

“

I hired men and that got me mad phone calls from community members. The staff who had issues with it at the time were offered to resign.”

For the most part, boards of directors agreed with the service expansion. One staffer said:

“

The board had a little hesitation about men, but that was about it. At the end of the day, if it went horribly wrong, the board all knew we could go back to serving all women.”¹⁵

The only other board that had concerns was discussed in the section on the decision-making process.

¹⁵ The nondiscrimination provisions in the reauthorized VAWA no longer allow agencies to provide services only to women. If a shelter receives funds through OVW, it cannot refuse to serve individuals based on their gender or sex.

Peer organizations and referring agencies

Interestingly, many of the shelters reported that they received the most community pushback from other shelters or domestic violence programs.

“

There were a couple times there were service providers [elsewhere in the county] that didn't think [sheltering trans people and non-trans men] was safe and were shocked. There were some “old school” providers who run a men's winter shelter through a church and have this “pull men up by their bootstraps” kind of setup that truly balked at our agency serving men.”

“

[Other shelters] have more of a problem serving non-trans men than LGBTQ people. They worry about men being in with women survivors.”

“

We had pushback about serving men in general back in the 90s and early 2000s. The DV movement was very hostile about serving men. We had to be somewhat militant at times, including very nasty fights both locally and in the state coalition level. There was a lot of pushback. We had to stand up and sometimes to the point of appearing militant and not willing to step down.”

“

There was pushback from other shelters that were women-centered.”

“

We're kind of the black sheep among our peers. We've been serving men since the beginning and other shelters always judged us. So we're used to pushing the buck in our area.”

PHOTO BY KERRI CECIL



Not all peer organizations, of course, were opposed. Some were thrilled to be able to send victims who were transgender, gender non-binary, or non-trans men to another agency.¹⁶

“

Our first calls were from trans women who were referred from another agency because the residents were giving the trans women a hard time and that staff were at a loss. I felt that shelter should have never accepted someone if they can't handle all the particulars of who they are. Then shelters started just sending all the trans people to our program, lifting the “burden” off of them and their staff. I haven't experienced this in the past seven years or so, but it used to be a problem.”

“

We've gotten a lot of gratitude from our peer agencies. Some agencies just refer their 'trouble' to us because we're the ones who serve the most diverse clientele.”

“

[Peer agencies] are pretty much on board. The religious-affiliated shelters still discriminate, and when that happens, we get overflow from other shelters in the area.”

When FORGE asked shelter staff if they perceived that serving transgender, non-binary, and non-trans men had made it easier for other nearby shelters to *not* integrate, most agreed. This outcome was unforeseen by the interviewees and is a current frustration for some. Others have seen peer agencies move over time.

“

In the DV world at first there was pushback using the same oppositions as what staff had, but with education it's gotten better.”

“

No pushback, but at the time we were the only shelter in the state that was taking cisgender men. At first we got a lot more referrals, but now other shelters are taking men, too.”

¹⁶ The nondiscrimination provisions in the reauthorized VAWA no longer allow agencies to provide services only to women. If a shelter receives funds through OVW, it cannot refuse to serve individuals based on their gender identity or sex.

Preparing for change

Staff discussions

The interviewees reported that the most important and effective ways in which they addressed staff concerns were through education and frank discussions. These occurred in staff meetings, monthly trainings, strategic planning sessions, and throughout the day-to-day operations. These conversations are ongoing. The goal was to change the culture of their workplace, not merely to change the organization's rules, policies, and procedures. They wanted to ensure that their shelters were affirming spaces and recognized that this does not happen unless there is consistent work to make it so.

“

We had staff meetings, but that was kind of an afterthought. We all communicated with each other beforehand.”

“

We discussed it during staff meetings, along with having lots of other internal discussions.”

“

Staff wanted to know where the ‘man room’ was going to be, and I had to educate them that there was not a man room, that they couldn't segregate them that way. But staff has always been on board, to my knowledge.”

“

Some staff were hesitant about what if someone's abuser tried to get in. But we educated staff around these issues and talked to them about the importance of screening, etc. I didn't want staff to think that abusers were just men. I brought up that lesbian women might try to enter shelter to get to their victims as well; it's all about how you screen. And even then you can only do so much.”

“

It was mainly male staff who were uncomfortable with taking in LGBTQ clients, and we talked to them about their feelings. The staff members eventually were educated via trainings, etc. Then once they were exposed to the LGBTQ community, they realized they're like everyone else and they need help.”

Training staff before integrating

Many — but not all — shelters stressed that staff training was critical.

“

Our board and staff continually want to make sure we're serving [trans people and non-trans male clients] with the greatest intentionality and skills possible, so they were most concerned about staff getting training before they opened their doors to men and trans people.”

“

You want people excited and appropriately trained because you don't want someone showing up and then getting treated badly and then being known as that agency that isn't culturally competent.”

“

Staff has to have trainings in order to keep changing their attitudes about sexuality in general in older adults. We encourage sexuality and the right to sexual expression. Staff has been uncomfortable, but with trainings they are getting better and with training created a significant cultural change in a relatively short period of time.”

Generally, these trainings fell into two types: cultural competency around the new populations, and handling bias. One interviewee stressed what they trained on first:

“

The first step is education and what to do in intervention of bias when it happens. But people need education to even see that they have an LGBTQ community within their own community. People need to educate themselves as allies before they can even start to intervene on behalf of someone else. The education piece needs to be backtracked from how to teach someone to make a safe space to first acknowledge that the LGBTQ community exists in the world. And that it is OK. Then expand. I've been part of local and statewide trainings with other agencies, and I'll hear their staff say, “We don't have those people here” or “It's not an issue for us.” So people need to recognize that LGBTQ people exist first, then get educated, then open their doors.”

Here is what shelter staff said about their cultural competency trainings:

“

The most important thing you can do is make sure staff are well versed and comfortable about gender and gender identity. Because one of the biggest trip ups we have is saying we're going to serve people and then not being prepared to serve them once they show up. Truly dig into how trans people experience interpersonal violence and violence, etc. Make sure trans people are not being objectified in your space.”

“

Every year we train staff on the basics of the LGBTQ community. We have to do it because it's right but also because of staff turnover. Everyone knows our stance on acceptance around the LGBTQ community.”

“

There are ongoing trainings on sexual orientation, and there is a section that talks about bias and gender identity.”

Several interviewees stressed how important and useful it was to have the cultural competency trainings done by agencies that specifically focus on the transgender or LGBT communities:

“

First we have to start with staff, and they need to change their vocabularies to gender neutral. Staff need an open mind and focus that they're helping human beings and victims, that they're breaking the cycle of abuse for human beings. They have to change their way of thinking first. And then they need trainings by the experts in the LGBTQ community because they know what they're doing and can help.”

“

Make a plan of having a training with professionals who work at LGBTQ agencies. You want people who are in the LGBTQ field because they are up on all the language and resources. Get trainings from all parts of the community – both MTF and FTM – so staff can ask open questions, get educated. Expose staff to the community. They can get all the trainings that they can, but exposure is necessary. Partner with your local LGBTQ agencies and national agencies that are LGBTQ. Make a section of your resources for staff an LGBTQ section. Keep it up to date. Build your resource files.”

“

Get as much training as you can, partner with agencies that are already doing this work, partner with LGBTQ agencies, male agencies.”

“

If you have an LGBTQ community agency in your community, reach out. Ask any of your LGBTQ staff; they might be a resource to you. The more informed you are, the more educated you are, the better off you will be. If you don't have agencies close, call agencies. If there's going to be pushback, you need to know how to deal with that.”

How to prevent and address biased remarks was not formally addressed by many shelters. Although a few agencies had specific annual trainings on interrupting bias, many others relied on on-the-spot training.

“

Staff get a little bit of [anti-bias] training, but mainly it's OJT [on-the-job-training] with interrupting behavior.”

“

There have been a lot of conversations in the last few years around bias and microaggressions and how to interrupt when these things happen.”

One agency provided department-specific trainings:

“

[Staff are trained on anti-bias techniques] in their specific service departments, i.e., counseling department is trained on bias within the counseling program, etc.”

Preparing for change:

Policies and procedures

Many shelter staff reported having anti-discrimination policies that covered both staff conduct and client conduct, policies that included gender identity. However, when FORGE followed up to acquire copies of these policies, many agencies indicated they did not have written policies, and that those that were written often did not include provisions specifically for gender identity or gender expression.

Several interviewees said that their shelters had resident “guidelines” or “rules” that addressed non-discrimination and bias:

“No, we do not have an official policy. It’s in the shelter guidelines that we won’t discriminate against race, including sexual orientation and gender identity.”

“We have a list of guidelines we give to clients, and one of the guidelines involves discriminatory actions and includes sexual orientation and gender identity and expression.”

“We have rules for residents.”

“We have a client grievance procedure, not bill of rights. We tell them they have a right to feel safe there, and if there’s a problem, it will be dealt with. I’m unsure if it covers nondiscrimination.”

Other shelters either had located their nondiscrimination or bias statements in other documents or said they were unwritten:

“We have our policies written on confidentiality forms, etc., and clients sign off on them. If there’s an incident [of conflict later], we pull out the policy and tell them we will find them shelter elsewhere.”

“We have a nonjudgmental clause in our bylaws, etc.”

“[Our policy] states we’re a non-violent shelter, but I don’t think we use the term “discrimination” in that language.”

“[Our policies are] not written down, but it’s more of a plan of action. We should probably write it down. We have a discrimination policy that covers gender identity, sexual orientation, and gender expression.”

First integrated clients

For the most part, shelters used exposure to the topic and education as their primary methods of preparing non-trans women clients for being sheltered with transgender and non-binary individuals and non-trans men, just as they did with staff. Although the interviewer did not specifically ask how they had introduced the idea of integration to the existing non-trans female clients when it was first implemented, two mentioned relevant stories:

“

We explained [that transgender people and non-trans males] are victims too and that we accept all victims. If they didn't feel comfortable, we offered to help them find another shelter or give them a key where they can lock themselves in their room. Staff are there 24 hours a day, etc.”

“

Originally we had screened a male survivor who had an extensive DV history whose partner was really savvy at technology and messed with his IDs, etc. So he was an easy fit. Where staff was most concerned about was support groups and how would they fit him in. We talked with the current group of residents and told them there would be a man attending group. The survivors were fine with it.”

Two agencies had very different approaches to their first “integrated” client, one letting the client know he was the first man, the other not disclosing it initially:

“

We didn't tell the first man in shelter that he was the first guy. After the first week, he came to some staff and asked if he was the first, and they told him yes and then he was OK.”

“

We were very open with the first man that he was the first, and he was well informed of that and that was great. I told him he didn't need to educate staff at all on how to serve men, and I made it clear that if it didn't work out for him in any way that we would find him services elsewhere that would be safe. That really helped his transition into shelter and to feel comfortable. He was so grateful. He developed a lot of relationships with staff and others, and people fell in love with him and working with him was very good for staff.”

Name change

One shelter changed its name so that it no longer had the word “women” in it.

Structures, privacy, and safety

The previous sections have focused on how agencies made the decision to create integrated services and some of the preparations they made for the change. This section will focus on the physical practicalities of integration, including shelter structure, bedrooms, bathrooms, redecorating, safety measures, and personal supplies.

Shelter structures

The type of physical structure varied among shelters FORGE interviewed. Some had single-family apartments for clients, some gave each client or family their own room, and some assigned roommates to shared rooms. The type of structure has a large influence on how residents are roomed, but also some shelters' practices had changed over time. Some of those who started out segregating trans and non-trans male survivors in their own rooms later changed that practice. The majority of those interviewed said they allow trans survivors to self-identify their gender identity and choose which gendered room or floor (male or female) they would like to stay in.¹⁷

Apartments

Moving to an apartment-based shelter structure was highly recommended by those who had done so. They said that not only did it eliminate many of the potential problems integration might cause, but clients loved them.

“

Having men and trans folks in communal shelter historically hasn't worked for a reason: communal shelter doesn't work for anyone. Period. Making the move toward privacy, serious staff role reduction, and gender inclusiveness is the key for success.”

“

We handle placement of trans people and men the same way we handle sheltering everyone: if they have a family, they go in the family apartment, if they're single, then they go in a single apartment.”

¹⁷ Having trans people self-identify their gender identity is now required by DOJ's FAQs. U.S. Department of Justice. (2014). *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Act of 2013*. Available from: <http://www.ovw.usdoj.gov/docs/faqs-ngc-vawa.pdf>

“

We used to have a communal living shelter, and we did not serve trans male clients or men at that time. Then we bought an apartment-style building that has separate bathrooms, so now we can serve the trans and male community.”

“

Because we have apartments, we don't need to have conversations around privacy and male bodies in spaces.... There isn't a lot of internal strife. It was pretty easy.”

“

It has worked so well having separate apartments. We often hear that the apartment they live in is better than where they came from. Survivors are so grateful to have privacy.”

Shared structure, single rooms

Communal shelters handled bedroom issues differently, presumably based on demand and finances as well as available space. Some gave everyone their own room:

“

Trans clients get their own room, just like everyone else.”

“

Everyone gets their own room.”

“

Clients love having their own rooms. Some clients have been in shelter before where rooms were shared, and it was really hard, emotionally.”

“

Each family has their own room, but couples can stay together. We try not to put unrelated families in the same room together. Even single people — we try to give them their own room. Single people are considered one family.”

Those shelters that were able to give each adult client their own room often spoke about how much clients value privacy.

“

There was a trans woman who was grateful to have her own space because of her own safety concerns that didn't have anything to do with housemates, but her outside privacy concerns.”

“

We had a man in our shelter who had been in another shelter and had to share a space with a woman in that previous shelter, and he was very uncomfortable with that setup. So he was happy he could have his own room and didn't have to share space with a woman.”

“

For them to have their own space is so important. They lost everything. They need privacy to feel at home. They can go read, get away from kids, whatever the person needs.”

“

The more privacy you have, the better. Everyone deserves privacy regardless of their gender identity. People are able to heal better when they have their own refuge.”

One shelter that occasionally placed unrelated individuals in the same bedroom noted that privacy was critical nonetheless:

“

Provide everyone with as much privacy as possible. Place people where they can get as much privacy as possible.”

PHOTO BY LEIGH HOUGHTALING



Shared bedrooms

Shelters where some or all rooms were shared adopted various placement policies for transgender people and non-trans men. Some segregated rooms by sex or gender identity:

“

We put the women together to make room for men and trans people to have their own rooms.”

“

The entire facility is coed with rooms for men and women mixed on each floor. Men are grouped in their own rooms, women in their own rooms, but a men’s room would be on the same floor and mixed in with the women’s rooms.”

Some adopted an approach of putting people into any available bed, although one shelter admitted they had a fallback:

“

Whatever open room we have, we put men in. Trans people get placed where everyone does — where there is an open room — don’t overthink it!”

“

They stay with everyone else unless they are uncomfortable and then we offer them a separate room.”

One used several strategies:

“

For men, we try to provide a separate bedroom space and not put them in the communal bedrooms, if possible. If that’s not possible, we’ll try to do temporary shelter offsite. We don’t have a trans-only room, we leave it up to the individual and what they’re comfortable with up to and including their own room.”

Gendered floors

At least two shelters divided sexes by floor:

“

Men are kept on a different floor and so far there’s no incident, other than a few women who had a little bit of uneasiness.”

“

Men are sheltered downstairs and the women are upstairs.”

Designated rooms

Two agencies said they had particular rooms they tried to place trans people in. Both had some problems with this practice, however:

“

There's an emergency bedroom that we use specifically for transgender youth. The youth often prefer to stay by themselves, but there's also been a lot of controversy around having them there.”

“

We used to put [transgender survivors] in the two ADA [Americans with Disabilities Act-compliant] rooms, but then that didn't work logistically. Now we put them wherever they can fit them.”

The client decides where to room

A number of shelters simply left placement choices in the survivor's hands (which is the procedure the FAQs now require):

“

We let the person decide where they want to be.”

“

We leave it up to the trans person as to where they want to be.”

“

We ask them how they identify, they tell us, we ask their given name and preferred name, we ask where they would like to be, and that's where they get to stay. If they don't want to room with others, we try to let them room by themselves until it gets too full.”

“

We ask the person how they identify and then put them either in the male or female dorm. It is about making them comfortable.”

One respondent tied their shelter's approach to placement to their agency's goals for serving abuse survivors:

“

Check in with people about what is comfortable with them; don't isolate people just because they self-identify as trans, etc. What are their needs as a person? Talk to staff. Look and always be prepared for the “what if.” If a person wants a private space, then figure that out beforehand. Just because a person identifies as gender non-conforming or trans, don't assume they want to be isolated or that they should be isolated. Give them that autonomy — they probably didn't have it in their abusive relationship, so giving them independence leads to trust and empowerment.”

Bathrooms

FORGE asked a long series of questions about bathrooms, prompting at least half of the interviewees to interrupt the process to ask why the interviewer was so focused on that issue. Several found the questions humorous, but for transgender and non-binary people, public or shared bathrooms are the site of *many* problems. Those who are transitioning struggle to figure out which sex-segregated restroom — men’s or women’s — is less likely to result in harassment, discrimination, or physical violence. Some continue to struggle with this after transition. Many non-binary people always feel unsafe and uncomfortable whenever forced to choose between gendered bathrooms.

Public policy discussions about giving trans people rights to be free of harassment and discrimination frequently revolve around bathrooms to be used by trans people. Those who oppose giving trans people rights to use the bathroom that aligns with their gender identity frequently suggest that trans rights will lead to sexual assaults of women in bathrooms. The fact is that communal bathrooms are far more unsafe for their transgender users than they are for the non-transgender users. There have been *no* reported cases of trans people attacking others in public restrooms, but there have been beatings of trans women in women’s restrooms, by other women.¹⁸ A trans man recently told FORGE that eight years after his transition, he had still not entered a men’s restroom. Instead, he carefully plans all of his out-of-house activities so that he will be able to access a private bathroom when necessary.

Bathrooms are definitely a concern for transgender and non-binary people seeking to enter shelter, despite the fact that only two shelters reported that they had ever experienced a bathroom conflict between clients specifically related to gender identity:

“

Some people feel it’s not safe to have trans clients use the bathroom for their safety or others’ safety. And it wasn’t just about trans people, it was about men in general. Just men and women sharing the same bathrooms — men attacking women, sexual relationships, etc.”

“

Some of the girls do not want to share the bathrooms with the MTFs. It has been a problem with families in the past.”

Three interviewees suggested they had had no conflicts because of the attitudes their staff displayed:

“

It’s really been a non-issue because the agency treats it like it’s a non-issue. If we treated the bathrooms like they were a big deal, then clients would pick up on that and make it an issue.”

¹⁸ See, for example, “Transgender beating victim: It was a hate crime,” (2011, April 23). CBS News. Retrieved from <http://www.cbsnews.com/news/transgender-beating-victim-it-was-a-hate-crime/>

“

Treat it like it's no big deal and everyone will think it's no big deal and will get over their stress. Most people are really hesitant, but get over it. It will all be OK. Sometimes there is worry about women getting uncomfortable with men because of their abuse. But don't make it an issue and it won't be. If a client is uncomfortable, they can talk with staff, and you can educate them or make other arrangements for them.”

“

Don't overthink it! If you were on a family vacation and rented a house or a condo and the kids brought friends and everyone's of all ages because there are college kids, etc., you have to make the same accommodations! It's neutral territory. It's not anything more than that. In the main shelter there are two bathrooms and one was changed in 2004 to be ADA compliant. This is neutral territory, too. Everyone can use it.”

One interviewee reported their shelter had had no bathroom conflicts, but they were prepared if they did, and another reported an instance where sharing a bathroom worked out:

“

It's really important to explain what a binary system is like, and we do a lot of trainings on the trans community, and the main thing we stress is what the binary is and how we're forced to identify within the system. Raise questions about do you have a urinal at home? And the functions of a bathroom, etc. Talk about what would be unsafe for someone to step outside the binary and what might they experience; make it personal to them.”

Other shelters reporting no problems included this one:

“

We once had a non-transgender man sharing a Jack-and-Jill bathroom with a woman and her son, and it worked out fine. Typically, though, we try not to place non-trans men and women in the same room or share bathrooms.”

What the shelters did have were typical bathroom conflicts: people taking too long in the shower, not cleaning up after themselves, etc. Some shelters tried to mitigate those by having more bathrooms or setting up schedules:

“

Having more than one bathroom is a plus and then sort of assigning bathroom spaces if someone doesn't feel comfortable or for privacy. If you only have one bathroom, try to work out a schedule that works for everyone's life.”

“

We don't let anyone use the bathroom with anyone else. Everyone has their bedroom and other spaces, and they're to respect each others' space and only one person in the room at a time.”

Shelters also tried to head off problems by installing bathroom locks. In fact, every shelter but one said they had locks on their doors. (The one exception had removed their locks when someone tried to commit suicide in a bathroom.)

“

For victims to feel safe, and in general, we need to make victims feel like a normal person so we don't separate them or make them feel different unless they want a separate bathroom space. Just make sure they have locks so they can do their business and feel comfortable.”

One interviewee wished for individual bathrooms, although their shelter didn't have that:

“

It's a shared living space so that can be difficult in general, so if there's any way that each room can have their own bathroom, that's best. Then you've got privacy. We don't have that, but it would be ideal.”

Some shelters noted that they had explicitly made their bathrooms non-gendered:

“

If it's communal living, having proper signage is good. One thing we have done in our admin building is we made all the staff and client bathrooms gender inclusive. There are not female/male bathrooms anymore. We changed that six months ago. One big thing about that was signage, so that is important. And make sure that staff understand why the bathrooms are that way so that if anyone has concerns about it, then they can all be on the same page. Get all of your staff on board. That is so important.”

“

Take down the gendered signs, install a lock, and then add gender-neutral signage. It's pretty simple.”

Another shelter took a different approach to the same problem, advocating *no* labeling.

“

Don't label any of your bathrooms. That way it becomes a natural, cultural change for everyone. At the end of the day, it is worth the investment to make them as appropriate as needed. Privacy is so important to everyone. So if there's money to make a large community bathroom into single-use bathroom, that would be best.”

Some shelters make creative use of their available bathroom configurations:

“

We let everyone know from the get-go that they will be sharing common areas and that it's communal living (laundry, TV, etc., and the bathroom spaces). We have two bathrooms: a full upstairs and a half downstairs. There is another full bathroom in the basement if someone prefers to use it for privacy issues — none of the bathrooms are gendered.”

“

We've not had any conflict around bathrooms and gender identity because when possible we try to provide people who have identified as transgender or cisgender men ... their own private bathroom.”

“

Some of the men do appreciate having private bathrooms. We encourage people to use separate bathrooms if staff are afraid of hostility toward men, but it's not a fast rule.”

Finally, one shelter made bathroom changes when it became clear their current configuration was going to cause a problem:

“

We changed our bathroom setup the very day that there was a state coalition board meeting there. The state coalition has trans staff, and the guy needed to change his baby's diaper, but there was no changing table in the men's bathroom. So we changed it right then and there because we didn't want his baby to go without being changed. We put up signs and everything.”

Redecorating (Non-construction)

One shelter noted that they had made some other physical changes to make their setting more comfortable for a broader range of people:

“

We designed the bedrooms so that they're not feminine-oriented. We do that so that anyone can be comfortable there. The rooms are comfortable for people who are in a difficult circumstance — that's it. We partner with a quilting group who make the colorful quilts to be gender neutral on purpose. We also make lap throws and the clients get to take them. We try to make it as much of a home as possible.”

Safety measures

FORGE did not specifically ask about the safety measures the shelters took, but some shelters brought up some of theirs in the context of reassuring staff and clients who might have concerns about having trans people or non-trans men in the facility.

One shelter uses panic buttons:

“

Every once in a while people feel unsafe, then that person gets a panic button to make them feel better.”

Another shelter had installed cameras in its common areas and recommended other shelters consider that option if they had clients who were concerned about security.

Two shelters noted that they had a safety rule that no one could enter another resident's room:

“

We don't allow people go to into other people's bedrooms — that just causes a lot of headaches with theft, etc.”

“

Sometimes we've had women who have concerns that there's a man across the hall from them, and we reiterate that no one is supposed to go into another person's room.”

It is worth noting in contrast that other shelters had very different views about bedroom access and the autonomy of adult residents:

“

It's so important that you review the shelter rules when you think about being a diverse organization. If you want to serve people and you have all these rules for grown people, then it's contradictory to what you're trying to do. It makes sense to have safety agreements, but that's it.”

“

They're allowed to sleep in each other's rooms if they want, but they aren't rooming together. They're adults so they can do what they want, but they're not allowed to move in together.”

Some shelters listed more than one safety strategy:

“

If clients don't feel comfortable, we offer to help them find another shelter or give them a key where they can lock themselves in their room. Staff are there 24 hours a day, etc.”

“

All of the bedrooms lock and that helps people feel safe. Staff also check on people throughout the night to make sure that common areas are quiet and doors are secure. That helps people to feel secure. We do this whether or not there are men here — we don't treat men like the house is now on high alert or anything. It's what we always do.”

One interviewee commented that although everyone is concerned about female residents' safety when in shelter, it is actually men who are more at risk:

“

We're truly indiscriminant in who we take in. Everyone is welcome. I don't really think it's that different to shelter men — don't treat it as different. Be aware that women abusers can be hounding and go through much more lengths to get contact to their husbands than male perpetrators with wives. With men we've had to be a little bit more careful with security; step it up more and watch out for their protection.”

Personal supplies

Most domestic and sexual assault shelters stock emergency supplies like clothing and bathroom supplies for incoming residents. FORGE asked the shelters that accept transgender survivors if they stocked supplies specific to the trans community (i.e., binders, wigs, extra razors, scarves, gaffing supplies, large-size women's clothing, small-size men's clothing, etc.). Most shelters responded that they did not have those supplies on hand, but that they would honor someone's clothing needs as much as financially possible and that clients were welcome to choose whatever clothing they want from their supplies. The shelters that did not stock a lot of emergency supplies onsite offered clients gift cards to a local thrift shop or store and transportation (if needed) to get what fit their needs. Nearly everyone interviewed thought stocking these items or making inroads with local LGBTQ organizations in order to secure these items was a good idea.

“

We don't have wigs or scarves. But we have a lot of other supplies. Actually, that's a good idea. My brother has a lot of wigs he just throws out when he's tired of them. He needs to donate them to us!”

“

All case managers get petty cash, and we will pay for those things up to a certain cost. If it gets above a certain cost, we'll reach out to [local LGBT organization] in order to get what the client needs. We did just get a binder for a trans man. The case manager shopped with him online to get it, and we paid for it out of petty cash.”

“

That's a good thing to keep in mind! We have clothing that people can choose from, and anyone can choose what they like.”



Preventing and addressing conflict and bias

As previously noted, FORGE asked about pushback before, during, or after the transition to integration. Pushback is different from bias and conflict: whereas pushback is questioning a change in policy, bias is a deeper sense of objection. (Both pushback and bias can occur at any point in the process.) Bias, prejudice, discrimination, and other similar negative beliefs can present themselves on all levels of an organization and can, if not handled properly, have a devastating effect on not just the targeted survivors, but any survivor who may then worry they may be targeted next.

Although some shelters reported no incidents of bias, others reported both overt and covert types of bias against transgender and non-trans male clients. These conflicts sometimes resulted in someone having to leave the shelter.

It is important to recognize that most of the conflicts in integrated shelters are the same types that arise in non-integrated shelters — conflicts over space, possessions, personality clashes, etc. As an example, one conflict was reported as a gender or gender identity conflict, but it seemed like a typical congregate shelter complaint anyone might lodge against other residents:

“

There's jealousy because “they” get the bigger bedroom with the bathroom, etc. The clients will sometimes complain, “Why do we have to share a room and THEY get their own?” when we give the men and trans people their own room (which is the bigger room with its own bathroom).”

Some trans, non-binary, or non-trans male clients simply don't have a personality that fits well with congregate living:

“

There was another trans woman who struggled with people in the shelter, and it may have just been her personality — or totally because she was trans — but she didn't get along very well with people.”

Shelters had both proactive and reactive strategies for addressing bias and conflict related to sex, gender identity, or sexual orientation. Many of the incidents that shelters related involved male residents or staff objecting to LGBT residents; in addition to the two that were previously discussed, there was this one:

“

Recently a man who appeared gender non-conforming and was a member of the LGBTQ community was a client. There was another client in shelter who expressed some homophobic attitudes at first privately to the social worker. Then it escalated to the man who appeared gender non-conforming and that person became fearful. The staff immediately transferred the man with the bias to another facility, and he was discharged within a week of that incident.”

Prevention strategies for staff

Not every existing or potential staff person will be able to work in an integrated setting. Several shelters noted that some staff did not stay past the shelter’s transition to integration. Others had strict expectations, and had to part with staff members who were biased.

“

There was an employee “of faith” here, and her beliefs prevented her from providing services to the LGBTQ community (as well as abortion consultations, etc.), and we asked her if she could do work here and uphold the organization’s beliefs/practices. She said she could not. So she no longer works here.”

“

We’ve not experienced bias from staff because if we did, they wouldn’t be working here. We need to make sure staff are sensitive when working with the LGBTQ community. We provide services to victims. Period. They’re human, they need help.”

“

We’ve had incidents. We don’t tolerate it with staff. When we hire people we’re really clear about our mission, etc. If it comes up that the person can’t serve a certain person, we let them go. That has happened a couple of times a long time ago. We’re better at hiring now and our expectations are quite clear. Apart from the men in shelter issue – that is a real bias, I think. People are able to get over it, but then it keeps surfacing and we keep having to address it.”

One interviewee had specific advice for other shelters on how to avoid hiring people who would not work well in an integrated setting:

“

Put it in the interview questions! You’d be so surprised at what people you’re trying to hire will tell you.”

Prevention strategies for clients

Many shelters try to head off problems by being clear with incoming residents that the shelter is integrated and suggesting the client go elsewhere if they are not comfortable with that. This is done verbally or in writing (or both), although at least one interviewee pointed out that people in a housing crisis sometimes agree to things without really listening and are later surprised to find the shelter is integrated.

“

Yes, we've seen bias. We resolved it by changing our intake forms, and we let people know upon intake that there will be trans people and cisgender [non-transgender] men in shelter and we serve LGBTQ clients and each person needs to think about that before they enter shelter. Then staff can refer back to that conversation if there's a problem.”

“

We explain they are victims too and that we accept all victims.”

“

Staff tell people ahead of time that we're a coed facility so they can make the choice to come there or not.”

“

We tell people up front that we have men in shelter and sometimes people opt out of our shelter. Ninety percent of the time, it hasn't been a problem.”

“

Sometimes people are surprised [the shelter is integrated], but our phone screening process is strict in that we serve everyone who is a DV victim, and we specifically say we accept men. I realize that people just want to get somewhere safe, and so they agree to anything. Then once they get there they realize men are there and say no one told them. There are some people who have said they won't come if there are men there and so we referred them elsewhere.”

“

Tell people ahead of time that men and trans people are housed there so that people can say whether or not they want to be sheltered there. It's always an option to find shelter for people somewhere else.”

One shelter staff person noted that they need to constantly review the policy that they house everyone when a new (transgender or non-trans male) resident could be admitted while the rest of the residents are sleeping.

“

If we're going to integrate someone at 2 a.m. and everyone's asleep, then there has to be ongoing education with the clients that we serve everyone so they're aware that that scenario can happen.”

Another shelter said they hold regular house meetings “to ensure there isn't something simmering.” One interviewee suggested some conflicts may never reach the staff level because they are resolved by clients without staff intervention:

“

There have probably been some clients with internal conflict, but they probably talked among themselves about it and staff didn't really hear much about it. That hasn't made it to staff over the years.”

PHOTO BY LEIGH HOUGHTALING



Keep expectations firm

Several shelters use a strategy that falls somewhere between prevention and conflict resolution: setting firm rules about how shelter residents are expected to treat each other and enforcing them without fail.

“

Don't allow it! Don't allow homophobic, racist, sexist, etc. remarks at all. Address things as they come up, but if you're cool about things, then clients will be too.”

“

It's implicit. If you make people aware that you serve the trans community and then do everything you can to make people comfortable, make it a part of the philosophy, then it just exists. It's just like fighting. Some group homes have issues with fighting, and we don't. We are very strict about fighting, so it doesn't happen. The issue is black and white. People won't question it. We're open to dealing with everyone, and it's a part of our philosophy. It's about following through — if you have a rule and follow through with it, then people won't think it's a big deal.”

“

Staff are very firm about the fact that everyone has a right to be there and be treated the same. Staff doesn't discuss the complaining person's opinions or beliefs, we just state the facts that everyone deserves safety and respect.”

“

If a client says something like 'faggot,' they get kicked out within 15 minutes. We deal with it like anything else — with an autocratic iron hand! [laughter] We deal with racial minorities as well as sexual minorities. A white client spoke the n-word to another client, and that person was warned she would be kicked out, regardless if she had five kids or not. We are not a hotel. We are a program with very specific rules against violent conduct — verbal, physical, etc.”

Conflict resolution strategies

Emphasize safety measures

A large proportion of the client conflicts that did occur were based on fear: non-trans women worried that trans people, men, or lesbian/gay/bisexual people were dangerous to them. These fears seem to arise from two primary sources: one is the widespread myth that domestic violence is something that happens only to women and is perpetrated only by men. People who believe this myth may have a hard time believing that a man could be anything other than an abuser. The other myth revolves around the idea that if people differ from the norms around sexual orientation and gender identity, they must also be sexual predators and child molesters. The accusation that a given population is sexually out-of-bounds is commonly associated with minority populations that are seeking equal civil rights. Some shelters addressed these concerns by emphasizing how the concerned person could feel safer. They gave out panic buttons, pointed out cameras in the communal areas, reminded people their bedroom doors locked, and discussed staff's role as safety monitors.

Refer or re-house distressed person

Numerous shelters mentioned referring people who were not comfortable sharing space with trans people or non-trans men to other shelters that only serve women. Several incidents where the biased client was asked to move are discussed above. One shelter goes through a mediation process, and then, if that doesn't work, they try to find other services for the client.

Mediation

Several shelters engage in formal or informal mediation efforts between clients that are in conflict, even if the conflict is around the identity of one of the residents:

“

Other residents will come to staff and say, “Hey, you put a woman in our room.” And then staff handles the situation by asking the trans individual, if they feel safe, to talk with their roommates, if they choose to, and staff can be present with them. The trans person usually says yes, as long as it's a safe environment. A lot of times it doesn't come to that.”

“

When individuals have issues with trans people, we invite the trans person to talk with staff and the individual; if they're uncomfortable with that, then just staff talks with them. We deal with it immediately.”

“

Have a meeting one on one and see what happens. We're counselors. We need to use these skills and find out what the problem is and make it clear from the very beginning that we will not tolerate that kind of behavior because we're here to help people. We also ask the victim if they want to sit down with the counselor and the other client who was abusive and try to find a solution. Our policy is they don't have to be friends but they have to respect each other.”

“

We handle staff and clients having issues the same way — we do a mediation. Everyone is called in and we set up guidelines, ground rules, etc. so everyone's message is being heard. Staff doesn't get too involved so that clients can work it out themselves. Usually it works out. When it doesn't, they have to agree to disagree. If that doesn't work, especially with the LGBTQ clients, we find other services for the client that has an issue.”

“

We do a mediation after we encourage them to talk to the other person about their concerns. We know sometimes that doesn't work out. After that we offer staff to mediate differences, and we have guidelines and ground rules for treating each other during the mediation.”

Education

Several shelters approached bias conflicts by trying to educate the biased client or staff person.

“

We had a nurse with children in shelter, and we had a trans woman in shelter, and the nurse immediately came to us and said the trans woman would give her kids AIDS. We were so shocked because she was a nurse and should know better. We gave her information and educated her. We offered to relocate her and her children. In the end, the two became really good friends and were inseparable!”

“

One of the common problems is that people make snide remarks behind clients' backs. Staff nips that in the bud right away. It's no different than clients making remarks about someone's race, etc. We address it right away. We tell them they are bullying. We call it what it is — they're causing this person pain. We address it right away. Usually people have had no previous incident that hurt them; it's always from the media or from family, etc. They have no idea where they first heard the term “faggot” and when we ask them that and then we ask them if they can't remember, why do they say it? What if that was their brother or son? And staff puts a personal emotion to that word that the client can identify with. The client usually comes out of that meeting better for it and by the next day, the clients are laughing together.”

“

It's about conflict resolution — pull that person aside, acknowledge their experience, and give them education about what people's realities are. People have their own values, but when you're talking about shelter or a communal environment, it's about addressing those biases and offering alternatives like offering them a different space if they don't feel safe or happy there. Or moving rooms, establishing boundaries, etc. Provide a space if staff have concerns and address that they're not there to push their own agenda and that the agency might not be the place for them but to talk with the staff person to have conversations — not attacks — but conversations.”

“

Don't be afraid of trans survivors. Recognize the levels of oppression that exist for everyone and how to recognize other people's understanding of the world. Know what is right and wrong and how that is different for everyone. That reality is why we have this commitment and people can't get in the way of how we're providing services. Don't be afraid to educate and listen to people and explain to people why you're doing what you're doing.”

It's important to note that one person's education needs may have to be balanced against other clients' privacy and confidentiality needs. One shelter put it this way:

“

Just encourage everyone to have the talk about who victims are and the fact that victimization means everyone is in the same boat.”

“

Women clients sometimes question staff or the men themselves about why men are there. Staff educates them that everyone's story is private and they don't have the right to ask about other clients. We educate them about the types of survivors we serve.”

Sometimes the client who has been targeted has had to do the educating:

“

Sometimes clients are confused, especially when moms have to explain things to their children. We had a trans woman who looked like a man and people would call her “he” and it offended her. She was always educating people, and it was stressful on her. If we can educate people instead of the trans woman [educating people], it would be helpful (with her permission, of course).”

Familiarity

A number of shelters noted that simply being around each other and hearing each other's stories had a tendency to reduce people's biases and the interpersonal conflicts that might arise because of them.

“

Once people get to know each other, it's never a problem! That's the beautiful thing. The counseling groups are open, and the women learn about the men and trans people, and they realize they have shared experiences, and it's been hugely positive.”

Another non-trans female resident was concerned about a non-trans male resident. The respondent noted what happened after staff addressed her safety fears:

“

Once she got to know that man, they got along fine and there was not a problem.”

PHOTO BY LEIGH HOUGHTALING



Final advice

FORGE asked the shelter staff interviewed what advice they would have for other shelters considering integration. Here is their final advice.

Many interviewees enthusiastically urged other shelters to **“just do it”**:

“

Think about everything you are doing, but go ahead and do it. Everything bad you're thinking about probably won't happen; that's just your fear and prejudice talking. Any problems that come along, you can figure them out as long as you're willing to figure them out.”

“

Go with it! Obviously you're coming from some place that you see this is the direction your program needs to go in, so go with it. You have people in your community you need to serve: go with it!”

“

Do it.”

“

Don't overthink it! Have weekly house meeting meetings to ensure there isn't something simmering. Just, don't overthink it.

Others advised shelters to prepare by researching other integrated shelters and LGBTQ organizations:

“

Educate yourself. Be allies to LGBTQ communities. Don't expect open arms. Do a lot of legwork. Ask what you can do for them. Build relationships, build trust. Go out, go out, go out! Be a true ally. Don't do it behind closed doors; put your money where your mouth is! Stand up. Be prepared for backlash. Decide who you serve and then serve them.”

“

You need to have extensive partnership with LGBTQ organizations in your community before you can even begin sheltering LGBTQ people. Before you even begin opening your doors to the LGBTQ community, you have to have been clear on everything and train everyone and have ally organizations that you can lean on.”

“

I would say, talk to other shelters that are doing this. What are your fears? That men and women will have sex together? Guess what? In all-women's shelters, that happens all the time. Address your fears. Exit clients — the clients that have a problem — in a safe way.”

“

Have a lot of discussions — what are the fears people have and how can they overcome those fears? Reach out to other shelters that are doing this work. Work with your board and all of your constituents, not just your staff -- even community partners — and get feedback from everyone.”



Remember, as other shelter representatives said, that the transition does not need to be perfect. Learn from everything:

“

Take your time. People think they have to go quickly or they feel pressured. Then they make a lot of mistakes. Taking your time, getting training and getting connected, prepare yourself for it ... that's what's needed. Be gentle on yourself, tell yourself and others that you're going to mess up! You're going to say the wrong gender. It's a learning process. Our program will not be demonized for trying; we will be learning. Don't do the witch hunt thing — people will not be perfect, and there will be a learning curve. Try it out, be in it together, and everyone will be OK! Staff needed to know that I wasn't going to come down on them hard and wouldn't be investigating their every move.”

“

Just try it. A lot of people come from that fear place because they fear their staff or board or community pushback, but it all comes down to who you're really trying to serve. Everyone is affected by DV. If it doesn't work, tweak it, adjust it so that it works. Don't just throw it out altogether, just adjust.”

“

You just have to serve victims of domestic violence. As long as we're focused on that.... When heterosexual women come in with diabetes, we make special arrangements. So if a transgender person comes in with a special need, we will try to make accommodations if it is within our power to do so.”

“

We were serving ... a person who used “she” at first and then transitioned to using “ze.” Ze would ask for tampons, and the staff questioned me on why that person needed tampons; they thought that person was a man. I told the staff not to worry about it; the clients check their needs off on the paper for a reason. I had concerns about ze's mental health problems, but ze turned out to be a great success in mentoring in a later counseling group. Ze was still homeless at the end of ze's stay, which didn't make me feel successful, but staff had a good learning experience with working with ze. I learned from that person that the ideals I had for ze were not ze's ideals, so I needed to get on board with what ze's needs were.”

Many people spoke about how important it was for staff to have the right attitude:

“

You're not taking in "those people," you are taking in domestic violence victims!"

“

Everyone needs assistance, and treat them like they're humans. Do not judge.”

“

Treat everyone as if you believe them and respect their spaces in the shelter.”

“

Encourage people to think that it's not that big of a change. Expect staff to rise to a certain level. It's different with clients. Clients come in with deep-seated beliefs. But keeping a hard line on your inclusive policies is important, as is resolving conflict between shelter clients.”

“

When we have group meetings with adult victims, it doesn't matter whether you're a man or a woman, you have to participate together. Don't bifurcate groups. By sharing their experiences together it reinforces that there is similarity and they form bonds around this and can relate better. The staff have to model that all people have value. The moment the staff doesn't demonstrate this, many people in shelter will triangulate and will pit shelter staff against shelter staff, etc. Staff have to be on the same page. All the time. If they're not, that one staff person who spouts off will damn the next shifts' credibility. The modeling is so important, especially from a sensitivity perspective.”

“

You have to get your leadership, management, and staff buy-in first. There's always one person who starts that movement ... if you're that one person, be confident, be bold, don't waver. Keep bringing it up. Someone needs to be that core person who's waving the flag because people don't like change. So it's really important for someone to lead the charge who's passionate about it.”

Conclusion

In the end, most of the interviewees seemed to be on the same page: fears about what might happen with gender-integration are far worse than what actually happens. And as one interviewee said:

“ We don't have to honor other people's prejudices.”



PHOTO BY LEIGH HOUGHTALING

Appendices

- A** Shelter interview questions
- B** Department of Justice, Frequently Asked Questions: Nondiscrimination Grant Conditions in the Violence Against Women Reauthorization Act of 2013
- C** FORGE resources
- D** Sample anti-discrimination policies

PHOTO BY LEIGH HOUGHTALING



A. Shelter interview questions

Questions about sheltering trans people and non-trans men

The questions below were the core questions used during the interviews with shelter staff. Some interviews were linear and closely followed this outline, while others had many side discussions and additional information that was shared.

DEMOGRAPHICS

- Location (city/state)
- Contact person and contact information for follow up, if needed (title/role of person)
- How long has your shelter been operating?
- What kind of structure is your shelter — standalone building, house, apartment building?
- How many beds do you have?
- How long can people stay in your shelter?

WHO HAVE YOU SHELTERED?

- How many of the following have you sheltered? (Specify time frame if possible — ex: over last two years; over our 20-year history, etc.)
 - non-trans men
 - trans men
 - trans women
 - gender non-conforming people
- When did you start sheltering non-trans men, trans men, trans women, gender non-conforming people? (If you started sheltering these categories at different times, estimate when you started sheltering each.)
- Was there a progression in whom you sheltered? In other words, did you start sheltering trans women, then move on to sheltering gender non-conforming people, etc.?
- When you started to shelter non-trans men, trans men, trans women, gender non-conforming people, what process did you go through to make this change? (Or have you always sheltered these populations?) For example, ask about how the decision to shelter people other than non-trans women was made, how staff were informed, if staff were trained how they were trained, what the steps were prior to opening the doors to these populations.
- How was the change announced (if it was)?
- When you started sheltering non-trans men, trans men, trans women, gender non-conforming people, what was the response? Was there pushback?
 - From staff?
 - From board of directors?
 - From supporters?
 - From funders?
 - From other peer organizations or agencies that referred clients to you?
 - From other clients?

BATHROOMS

- How are the bathrooms configured? (How many, are they single or shared; are the toilets in a separate place from the showers and sinks, etc.)
- Do bathroom doors have locks?
- Are bathrooms typically used by one person or more than one at a time?
- Did you make any physical or policy changes to the bathrooms when you began admitting non-trans men or trans people?
- Have there been any conflicts over the bathrooms around gender or gender identity?
- If so, what happened, and how was it resolved (if it was)?
- Do you have any positive stories around bathrooms in an integrated shelter?
- Do you have any advice for other integrating shelters in regards to bathrooms?
- If you made any changes to the bathrooms in your facility prior to housing non-trans men or trans people (or afterward), what kinds of changes did you make and what were the costs?

BEDROOMS

- Do unrelated adults ever share a bedroom in your shelter?
- If so, how have you handled sheltering non-trans men and trans people?
- Have there been any conflicts over the bedrooms around gender or gender identity?
- If so, what happened, and how was it resolved (if it was)?
- Do you have any positive stories about bedrooms in an integrated shelter?
- Do you have any advice for other integrating shelters in regards to bedrooms?
- When a decision was made to house non-trans men or trans people, did you make any structural or other changes to your facility? If so, what was the cost?

BIAS AND CONFLICT

- Have you had any problems with staff or clients objecting to non-trans men, trans men, trans women, gender non-conforming people in the shelter? What has happened? How were the incidents resolved, if they were?
- Does your shelter have any written documents or policies for staff or clients related to prejudice, bias, and how others should be treated? If so, what are they? How effective do you think they are?
- Does your shelter have a client bill of rights or an expected code of conduct that all residents receive upon entry that includes content about non-discrimination (specific to gender or gender identity)?
- Has staff been trained in how to handle bias incidents? If so, what does this training entail? How often are staff retrained or practiced in these skills?
- Do you have any recommendations for other shelters on what to do to address potential or actual conflict related to a resident's gender or gender identity?

ADMISSIONS

- Do you require people to show ID to gain entry to the shelter? Is this required of everyone or only some people? Do you have policies for when someone doesn't have ID?
- Do you have criteria for admitting trans women to shelter? Do they have to have ID that says they are female; do they have to have had surgery; do they have to live 24/7 as women, etc.?

SUPPLIES

- Have you stocked any supplies specifically for trans people, such as razors, wigs, scarves, or large-size women's clothing and shoes? Have you had any requests for these sorts of items? What have you done if you have not had requested supplies?

STORIES

- Without violating client confidentiality, can you share any stories — positive or negative — about your shelter's experiences sheltering non-trans men, trans men, trans women, gender non-conforming people?
- Given your experience, what advice would you give to another shelter that was contemplating beginning to shelter non-trans men, trans men, trans women, gender non-conforming people?

YOUR AREA

- Are there other shelters in your vicinity that shelter non-trans men, trans men, trans women, or gender non-conforming people?
- If so, can you give us contact information?
- If not, do you find that some of your non-trans men, trans men, trans women, or gender non-conforming survivors are coming to you from a long distance?

FURTHER CONTACT?

- Would you be willing to consult with FORGE if we have additional questions?
- Would you be willing to have FORGE share your name and contact information with other DV/SA professionals who are looking for advice on sheltering these populations?

B. Department of Justice, Frequently Asked Questions: Nondiscrimination Grant Conditions in the Violence Against Women Reauthorization Act of 2013



U.S. Department of Justice
Office of Justice Programs
Office for Civil Rights
Washington, D.C. 20531

FREQUENTLY ASKED QUESTIONS

April 9, 2014

Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013

The Violence Against Women Reauthorization Act of 2013, which President Obama signed on March 7, 2013, amends the Violence Against Women Act (VAWA) of 1994 by adding a grant condition that prohibits discrimination by recipients of certain Department of Justice (DOJ or Department) funds:

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

The VAWA nondiscrimination grant condition provides an exception to the prohibition on sex discrimination in certain instances:

If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

The following are some frequently asked questions (FAQs) about VAWA's nondiscrimination grant condition, including the obligations of VAWA recipients and what people may do if they believe they have experienced discrimination barred by this new nondiscrimination grant condition.

These initial FAQs are intended to provide general guidance as to questions DOJ believes may arise at this time regarding the new nondiscrimination grant condition. The Department will update and supplement them as appropriate. Please note that

these FAQs are not intended to address all questions that may arise about the new nondiscrimination grant condition. Neither do they provide definitive guidance that applies in all cases, regardless of the circumstances. In the event that anything in these FAQs conflicts with an applicable federal statute or regulation, the statute or regulation will control. Nothing in this document is intended to address or affect in any way the meaning or applicability of other provisions of federal statutes and regulations that deal with nondiscrimination and DOJ grants, or of related conditions on DOJ grants that are based on those laws.

1. What grants will be subject to the VAWA nondiscrimination grant condition?

The VAWA nondiscrimination grant condition applies to all grant programs currently administered by the Office on Violence Against Women (OVW). Subject to the appropriation of funds, the Department anticipates that, in Fiscal Year 2014, OVW-covered grants¹⁹ will include the following:

- Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program
- Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campuses Program
- Culturally Specific Services for Victims Program
- Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Program
- Enhanced Training and Services to End Violence and Abuse of Women Later in Life Program
- Grants to Support Families in the Justice System
- Legal Assistance for Victims Grant Program
- Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Assistance Program
- Sexual Assault Services Formula Program
- Sexual Assault Services Program – Culturally Specific
- Grants to State Sexual Assault and Domestic Violence Coalitions Program
- STOP Violence Against Women Formula Grant Program
- Transitional Housing Assistance for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Program
- Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program
- Tribal Sexual Assault Services Program
- Grants to Indian Tribal Governments Program
- Consolidated Program to Address Children and Youth Exposed to Domestic and Sexual Violence and Engage Men and Boys as Allies
- Grants for Outreach and Services to Underserved Populations
- Technical Assistance Program.

¹⁹ Throughout the *Frequently Asked Questions*, the term “covered grants” refers to federal financial assistance subject to the new nondiscrimination grant condition.

The nondiscrimination grant condition also applies to grants made beginning in FY 2014 under any OVW-administered special initiative or demonstration project related to the programs listed above.

Additionally, the new nondiscrimination grant condition may apply to new or supplemental grants made on or after October 1, 2013, under one or more grant programs administered by the Office of Justice Programs (OJP). This will depend upon several factors, including the nature of the appropriations for OJP. OJP will advise applicants to and recipients under any implicated grant program administered by OJP that the new or supplemental grants will include the new nondiscrimination grant condition through the grant-making process, which may include a notice in the grant solicitation or a new provision in the terms of the grant award.

2. When does VAWA's nondiscrimination grant condition go into effect?

The Violence Against Women Reauthorization Act of 2013 took effect on October 1, 2013. The new VAWA nondiscrimination grant condition applies to all awards made under covered grants on or after October 1, 2013. For example, if a recipient is working on a project under an open award made under an OVW grant prior to October 1, 2013, the new nondiscrimination grant condition does not apply. If a recipient of federal financial assistance under a covered grant receives additional funding on or after October 1, 2013, to support a previously funded project, the new nondiscrimination grant condition will apply to the new or supplemental award. Please note, however, that all OVW grantees are subject to a contractual award condition prohibiting activities that may compromise victim safety, which would include excluding a victim from services or benefits based on one of the protected categories in the VAWA nondiscrimination grant condition.

3. What does it mean that a recipient cannot discriminate in any “program or activity funded in whole or in part” with VAWA funds?

The new nondiscrimination grant condition prohibits recipients of federal financial assistance under covered grants from discriminating in any “program or activity,” irrespective of the amount of federal financial assistance the recipient receives. The term “program or activity” refers to all of the operations of a recipient, even if non-covered funds support a particular operation. For example, if a law enforcement agency receives an award under a covered grant to fund a victim witness coordinator, then that law enforcement agency must not discriminate against a person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in all of its operations. Thus, a recipient that operates a program funded partially by a covered grant and partially by other sources may not discriminate in any of its operations.

4. How does this grant condition apply to the beneficiaries of services supported by covered grants where the service is provided by faith-based organizations?

Faith-based organizations, like all other recipients of funding subject to the VAWA nondiscrimination grant condition, accept the obligation, as a condition of the grant award, not to discriminate in the delivery of services or benefits supported

by covered grants, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.

5. Does the VAWA nondiscrimination grant condition prohibit employment discrimination by recipients under covered grants?

Yes. Recipients of federal financial assistance under covered grants may not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in employment practices. The VAWA nondiscrimination grant condition prohibits those employment practices made unlawful by the Omnibus Crime Control and Safe Streets Act of 1968, Title VII of the Civil Rights Act of 1964, and their implementing regulations.

6. How does this grant condition apply to job positions in programs administered by faith-based organizations, where the program is funded by a covered grant?

In accordance with DOJ's interpretation of the Religious Freedom Restoration Act as set forth in a June 29, 2007 Memorandum Opinion issued by the Department of Justice, Office of Legal Counsel, funded faith-based organizations subject to the new nondiscrimination grant condition may prefer co-religionists for employees in programs funded by covered grants if they can meet each of the following criteria:

- a. The faith-based organization demonstrates that the program for which it seeks federal funding is an exercise of religion; and
- b. The faith-based organization demonstrates that requiring it to either forgo its religious preference in hiring or forgo the federal funding would substantially burden its exercise of religion; and
- c. The funding entity is unable to demonstrate that applying the nondiscrimination grant condition to the faith-based organization would both further a compelling government interest and be the least restrictive means of furthering this interest.

OVW, other DOJ grant-making offices, and State Administering Agencies will grant exemptions to this prohibition against hiring discrimination on the basis of religion on a case-by-case basis if a funded faith-based organization can certify to each of the following:

- a. The faith-based organization will offer all federally-funded services and benefits to all qualified beneficiaries without regard for the religious or non-religious beliefs of those individuals; and
- b. Any activities of the faith-based organization that contain explicitly religious content will be kept separate in time or location from any services and benefits supported by direct federal funding, and if provided under such conditions, will be offered only on a voluntary basis; and
- c. The faith-based organization sincerely believes that providing the services and benefits in question is an expression of its religious beliefs, that employing individuals of particular religious belief is important to its religious exercise, and that having to abandon its religious hiring practice to receive federal funding would substantially burden its religious exercise.

Funded faith-based organizations subject to the VAWA nondiscrimination grant condition that seek an exemption to the prohibition against religious discrimination in employment must complete and retain an original, signed document for their records (see [Certificate of Exemption for Hiring Practices on the Basis of Religion](#)), certifying to the three provisions set forth above. They must then submit a copy of the signed Certificate of Exemption to DOJ through the Grants Management System after receipt of an award.

7. How does the nondiscrimination grant condition apply to State Administering Agencies that receive formula grants under VAWA and subaward those funds to subrecipients throughout their states? (Examples of formula grants include the STOP Violence Against Women and Sexual Assault Services Formula Grant Programs.)

State Administering Agencies (SAAs) that receive covered formula grants to award to subrecipients throughout their states must comply with the VAWA nondiscrimination grant condition, which prohibits them from discriminating on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in all of their operations. This obligation extends to all of the operations of the SAA and will extend to the operations of other units of state government if those units also receive federal financial assistance under VAWA or are subawarded VAWA funds from the SAA. SAAs must also ensure that subrecipients comply with all applicable civil rights obligations. SAAs should provide training for subrecipients about their civil rights obligations, and they should monitor their subrecipients' compliance with the VAWA nondiscrimination grant condition.

8. What constitutes discrimination based on “actual or perceived” race, color, religion, national origin, sex, gender identity, sexual orientation, or disability?

The new nondiscrimination grant condition prohibits discrimination against an individual based on the individual's real or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability. Discrimination against an individual based on a perception of the individual's race, color, religion, national origin, sex, gender identity, sexual orientation, or disability violates the VAWA nondiscrimination grant condition even if the perception is wrong. Taking an adverse action against an individual because of a mistaken belief that the individual belongs to a particular protected class violates the VAWA nondiscrimination grant condition.

9. What does “gender identity” mean?

The VAWA nondiscrimination grant condition borrows the definition of “gender identity” from the Matthew Shepard-James Byrd Jr. Hate Crimes Prevention Act at 18 U.S.C. § 249(c)(4). “Gender identity” means “actual or perceived gender-related characteristics.” Gender identity is a person's internal view of the individual's gender. Transgender can be used to describe a person whose gender identity is different from the individual's assigned sex at birth. Male, female, and transgender are all examples of gender identities for purposes of the nondiscrimination grant condition.

10. What does “sexual orientation” mean?

The VAWA nondiscrimination grant condition does not define the term “sexual orientation.” Heterosexual, homosexual, and bisexual are all sexual orientations.

11. What is “sex-segregated” or “sex-specific programming”?

Programming is “sex-segregated” when males and females receive services in separate settings. Programming is “sex-specific” when a recipient designs it differently for males and females. Both “sex-segregated” and “sex-specific” programming places individuals in a position to “choose” to identify with a particular sex.

Emergency shelter for domestic violence victims is an example of a service that victim service providers historically have segregated by sex. An example of sex-specific programming is the bystander intervention component of some educational programs on college campuses. Often, these campus educational programs teach different violence- prevention skills to male and female students.

12. How does a recipient determine whether sex-specific or sex-segregated programming is “necessary to the essential operation of the program?”

The VAWA nondiscrimination grant condition provides that a recipient may offer sex- segregated or sex-specific programming when it is “necessary to the essential operation of a program.” If the Department receives a complaint of sex discrimination based upon a recipient’s sex-segregated or sex-specific services, the onus will be on the recipient to articulate clearly why sex-segregation or sex-specific programming was necessary to the essential operations of the program. DOJ expects the recipient to support its justification with an assessment of the facts and circumstances surrounding the specific program, and to take into account established best practices and research findings, as applicable. The justification cannot rely on unsupported assumptions or overly broad sex-based generalizations.

Some factors that may be relevant to a recipient’s evaluation of whether sex-segregated or sex-specific programming is necessary to the essential operations of the program include the following: the nature of the service, the anticipated positive and negative consequences to all eligible beneficiaries of not providing the program in a sex- segregated or sex-specific manner, the literature on the efficacy of the service being sex- segregated or sex-specific, the impact on transgender individuals seeking services, and whether similarly situated recipients providing the same services have been successful in providing services effectively in a manner that is not sex-segregated or sex-specific. A recipient may not provide sex-segregated or sex-specific services for reasons that are trivial or based solely on the recipient’s convenience.

For example, a recipient considering whether to sex-segregate its housing should assess the type and layout of the property where the housing is provided. Where victims must share bedrooms and bathrooms, that fact may be a significant consideration supporting a determination that it “is necessary to the essential operation of the program” to segregate beneficiaries of the opposite sex by bedroom and bathroom or, depending on the circumstances, even to house beneficiaries of different sexes in entirely separate physical locations.

In the case of a recipient that is considering whether to provide sex-specific prevention education, if reliable research suggests that it is a best practice, that fact would likely be a significant consideration supporting a determination that sex-specific programming “is necessary to the essential operation of the program.” For example, if research suggests that the bystander intervention model is more effective when it teaches different skills to male and female students, that fact might provide significant support for a decision to provide prevention education in a sex-specific manner.

A recipient should not assume that, because services have been sex-segregated or sex-specific in the past, continued sex segregation or sex specificity is “necessary” to its programming.

13. If a recipient determines that sex-segregated or sex-specific programming is necessary to the essential operation of the program, how does the recipient provide “comparable services” to individuals who cannot be served with the sex-segregated or sex-specific services?

The VAWA nondiscrimination grant condition provides that, in circumstances where sex-segregated or sex-specific programming is necessary to the essential operation of a program, grantees may satisfy the nondiscrimination prohibition by providing comparable services to individuals who cannot be served with the sex-segregated or sex-specific programming. A comparable service is one that is designed to confer a substantially equal benefit. Factors that DOJ will consider, either individually or in the aggregate as appropriate, in determining whether services are comparable include the following: the nature and quality of the services provided, the relative benefits of different therapeutic modalities or interventions, geographic location or other aspects of accessibility, the characteristics of the facilities where services are provided, and the characteristics of the individuals who provide the service. Services need not be identical to be comparable, but they must be of the same or similar quality and duration.

For example, if a recipient has made a fact-specific determination that segregating its shelter by sex is necessary to the essential operation of the program, then the shelter provided to male and female clients must be designed to confer substantially equal benefits. These benefits might include a secure and furnished sleeping area, bathroom facilities, kitchen facilities or access to food, case management, social services, and transportation to supportive services. The recipient must make every reasonable effort to ensure that the shelter provided to male and female beneficiaries is comparable in safety, quality, and amenities. The recipient must also make every reasonable effort to ensure that, if male clients are housed off-site, they are integrated into the recipient’s other, non-shelter services. If the recipient provides counseling, legal advocacy, or parenting groups in its primary building, then it must make every reasonable effort to arrange for transportation to that building so that the male victim or survivor housed remotely can participate in all of the supportive services that the recipient provides.

Many recipients provide education, support, and counseling to domestic violence and sexual assault survivors in group settings. If a recipient has made a fact-specific determination that it is necessary to the essential operation of the group that the group be sex-segregated or sex-specific, then the recipient must make available

comparable services to eligible beneficiaries of both sexes. Because the therapeutic benefits of group counseling may be different than the therapeutic benefits of individual counseling, the recipient should make every reasonable effort to provide comparable service through the same therapeutic modality.

Recipients offering a prevention and education program on college campuses also must make a fact-specific determination before providing sex-specific and sex-segregated services. When a recipient legitimately determines that this is necessary to the essential operation of the program, the recipient must ensure that it designs the education programs to confer a substantially equal benefit to each sex. The benefits might include becoming sensitive to issues of sexual assault, domestic violence, dating violence, and stalking; providing skills to intervene as a bystander in situations or conversations involving sexual assault, domestic violence, dating violence, or stalking; and understanding resources for survivors, perpetrators, and bystanders on campus and in the larger community.

14. How may a recipient operate sex-segregated or sex-specific services and not discriminate on the basis of actual or perceived gender identity?

A recipient that operates a sex-segregated or sex-specific program should assign a beneficiary to the group or service which corresponds to the gender with which the beneficiary identifies, with the following considerations. In deciding how to house a victim, a recipient that provides sex-segregated housing may consider on a case-by-case basis whether a particular housing assignment would ensure the victim's health and safety. A victim's own views with respect to personal safety deserve serious consideration. The recipient should ensure that its services do not isolate or segregate victims based upon actual or perceived gender identity. A recipient may not make a determination about services for one beneficiary based on the complaints of another beneficiary when those complaints are based on gender identity.

For the purpose of assigning a beneficiary to sex-segregated or sex-specific services, best practices dictate that the recipient should ask a transgender beneficiary which group or service the beneficiary wishes to join. The recipient may not, however, ask questions about the beneficiary's anatomy or medical history or make burdensome demands for identity documents.

Some VAWA recipients are also subject to the Prison Rape Elimination Act National Standards (28 C.F.R. pt. 115) or other agency requirements regarding the provision of services to transgender individuals. Those recipients should consult the appropriate federal agency to determine the scope of any applicable requirements.

15. If a person believes that he or she has experienced discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability by a recipient of federal financial assistance under a covered grant, how does that person file a complaint?

Those who believe that they have experienced prohibited discrimination by a recipient of federal financial assistance under a covered grant may file a complaint with the Office for Civil Rights (OCR). OCR has authority to investigate complaints alleging a violation of the VAWA nondiscrimination grant condition.

To file a discrimination complaint, please download and complete the [Complaint Verification Form \(CVF\)](#) and the [Identity Release Statement \(IRS\)](#) and return both forms to OCR at the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

Generally, you must file a complaint with OCR within one year from the date of the alleged discrimination.

OCR also accepts third-party discrimination complaints on behalf of people who are either unable or reluctant to file a complaint on their own behalf. The absence of a signed IRS from the aggrieved person may severely limit OCR's investigation into a single incident of discrimination against an individual. However, the absence of a signed IRS will not prevent OCR from investigating an alleged discriminatory practice or policy.

Additional information on filing a complaint with OCR is available online at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>.

16. How will OCR process complaints of discrimination filed under VAWA's nondiscrimination grant condition? What procedures will be put into place under VAWA, and what remedies will be available?

OCR will carefully consider all complaints it receives that allege discrimination against a recipient of funds to which the VAWA nondiscrimination grant condition applies. In most instances, OCR will follow the complaint procedures set forth in 42 U.S.C. § 3789d and the implementing regulations at 28 C.F.R. pt. 42, subpt. D.

Upon receiving a CVF and IRS, OCR will thoroughly review the complaint along with respondent funding records to determine whether OCR has jurisdiction to investigate the complaint and whether the complaint contains enough preliminary information to support a claim under VAWA. As part of this initial assessment, OCR may seek additional information from the complainant about the allegations. Based on this preliminary review, OCR may initiate an investigation, often gathering additional data from both the complainant and the recipient named in the complaint.

Once OCR gathers sufficient information, it will then evaluate the merits of the complaint. If OCR finds that the facts do not support the claim, it will close the complaint, advising the complainant in writing of this action.

If, however, OCR finds that the facts support a finding that the recipient is not in compliance with VAWA's nondiscrimination grant condition, OCR will work with the recipient to explore ways in which it can come into voluntary compliance. Generally, OCR does not obtain individual remedies for complainants; rather, OCR's focus is on ensuring a recipient's overall compliance with applicable nondiscrimination requirements. OCR makes every reasonable effort to negotiate resolution agreements with recipients to remedy civil rights violations and to ensure that federal funding continues. If voluntary compliance cannot be secured, then the recipient risks the suspension or termination of applicable federal funding.

17. Are individuals who report or oppose discrimination by a grantee protected from retaliation?

Yes. Retaliation in response to reporting or opposing discrimination, or in response to participating in the investigation of a complaint of discrimination, is itself unlawful discrimination. Recipients under covered grants may not retaliate against individuals who, in good faith, report or oppose practices that violate the VAWA nondiscrimination grant condition. Recipients may not retaliate against individuals for reporting or otherwise opposing discrimination targeted at other individuals or for participating in an investigation of another person's discrimination complaint.

18. Does the VAWA nondiscrimination grant condition create any new civil-rights-related data-reporting requirements?

No. The VAWA nondiscrimination grant condition does not create any new data-reporting requirements, and it does not alter any statutory or regulatory civil-rights-related data-reporting requirements currently in effect. OVW, however, requires that its grantees and subgrantees submit annual or semi-annual progress reports. When a recipient receives funding to serve victims, OVW requires that these progress reports include demographic information about victims, including aggregate information on race, ethnicity, gender, and age of victims served.

If you have questions or comments about the new nondiscrimination grant condition, or if you would like further information about any of the responses provided here, please contact the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice at VAWAcivilrights@usdoj.gov.

Nothing in this guidance creates any legal or procedural rights enforceable against the United States.

C. FORGE resources

Webinars

FORGE now offers more than 50 hours' worth of free, on-demand training videos on various topics related to transgender and non-binary survivors of domestic violence, sexual assault, dating violence, and stalking. The entire archive is available at <http://forge-forward.org/trainings-events/recorded-webinars/>. Those specifically related to helping domestic violence survivors include:

- VAWA Non-Discrimination Provisions (webinar)
<http://forge-forward.org/event/yawa-non-discrimination-conditions-webinar/>
- Power and Control Tactics Specific to Trans People (webinar)
<http://forge-forward.org/event/power-and-control-tactics/>
- Creating a Trans-Welcoming Environment (webinar)
<http://forge-forward.org/event/trans-welcoming-environment/>
- Safety Planning with Transgender Clients (webinar)
<http://forge-forward.org/event/safety-planning/>
- Sex-Segregated Services: Finding Resources for Transgender Clients (includes case study of a trans woman being housed in shelter) (webinar)
<http://forge-forward.org/event/sex-segregated-services/>

Publications

FORGE has publications and tools for both service providers and survivors. Most are available at <http://forge-forward.org/publications-resources/anti-violence-publications/>. See specifically:

- Shelter Case Study: Greta (Handout)
http://forge-forward.org/wp-content/docs/segregated-webinar-case-study_FINAL.pdf
- Considerations for Sheltering Trans Women (Handout)
http://forge-forward.org/wp-content/docs/segregated-webinar-sheltering-trans-women_FINAL.pdf
- Let's Talk About It: A Transgender Survivor's Guide to Accessing Therapy (Book)
<http://www.forge-forward.org/therapy-guide>
- A Self-Help Guide to Healing and Understanding (Book)
<http://www.forge-forward.org/sv-selfhelp-guide>
- Sheltering Transgender Women: Providing Welcoming Services (Article)
<http://forge-forward.org/2014/09/sheltering-transgender-women-nrcdv/>
- Power and Control Tactics (Handout)
<http://forge-forward.org/2013/04/power-and-control-tactics/>
- Safety Planning: A Guide for Transgender and Gender Non-Conforming Individuals Who Are Experiencing Intimate Partner Violence (Tool/Article)
<http://forge-forward.org/2013/01/safety-planning-tool/>

Technical Assistance

FORGE offers individualized technical assistance and customized training to victim service agencies and other allied professionals. To access these services, contact FORGE by email or phone:

- AskFORGE@FORGE-forward.org
- 414-559-2123

Notification and social media

To receive notifications when FORGE publishes new resources or develops new services, follow FORGE via social media:

- Website: www.FORGE-forward.org
- Facebook: <https://www.facebook.com/FORGE.trans/>
- Twitter: <https://twitter.com/FORGEforward>
- Instagram: https://www.instagram.com/forge_forward/

PHOTO BY LEIGH HOUGHTALING



D. Sample anti-discrimination policies

Many agencies do not have policies that are fully inclusive or inclusive of gender identity or gender expression. Below are a small sample of some policies, along with FORGE's comments. FORGE invites agencies to share their inclusive policies by emailing them to AskFORGE@FORGE-forward.org.

Sample Client Anti-Discrimination Policy #1

[Agency] will make every effort to provide services to eligible individuals as defined within this section, regardless of age, race, religion, color, national origin, gender, disability, sexual orientation, gender identification, citizenship, immigration status, marital status, or language spoken.

Shelter will make every effort to serve the needs of elder battered women, individuals in same-sex relationships, persons with disabilities, persons from diverse cultural backgrounds, including non-English speaking survivors, immigrant survivors, male survivors, emancipated minors, and gender non-conforming, transgender or transitioning individuals. Accommodations for services will be made within the limits of agency resources, and referrals for additional services will be made based on individual needs.

Here is an example of one agency's employee anti-discrimination policy. This policy is missing explicit protections on the basis of gender identity and gender expression.

Sample Client Anti-Discrimination Policy #2

The [agency] confirms its commitment to equal employment opportunities and a workplace that is free from unlawful bias and/or discrimination. It is the policy of the [agency] to maintain a work environment free of discrimination by supervisors, coworkers or others on the basis of race, color, religion or creed, sex, sexual orientation, national origin or ancestry, age, disability, genetic information, U.S. veteran status or active U.S. uniformed service and any other basis protected by federal, state or local laws ("Protected Categories").

Thus, you are expected to conduct yourself as to maintain a work environment free of discrimination. Discrimination by an employee constitutes misconduct, which is not tolerated by the [agency] and for which you shall be subject to discipline up to and including termination of employment.

Discrimination as used in this policy means differential treatment or harassment of an individual on the basis of a Protected Category. Harassment may take the form of verbal or physical conduct, including statements or written or displayed materials, to which a person is subjected on the basis of the Protected Categories.

We will take appropriate disciplinary action if it is found that harassment or discrimination has occurred, and we reserve the right to determine the nature of the disciplinary action, which may range from counseling to termination of employment.

In addition to the above, if you believe you have been subject to harassment or discrimination on the basis of any Protected Category, including sexual harassment, you may file a formal complaint with either the state agency or the federal agency listed below.

Using our complaint process does not prohibit you from filing a complaint with these agencies.

THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

J.F.K. Federal Building, 4th floor, Room 475
Government Center
Boston, MA 02203-0506
617-565-3200

THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD)

Boston Office:

One Ashburton Place
Room 601
Boston, MA 02108
617-994-6000
508 799-6379

Springfield Office:

436 Dwight Street
Room 220
Springfield, MA 01103
413-739-2145

Worcester Office:

22 Front Street
Fifth Floor
P.O. Box 8038
Worcester, MA 01641

Due to the serious nature of discrimination or harassment charges, a frivolous, false or bad-faith complaint will be treated as a serious offense and appropriate disciplinary action will be taken.

The Virginia Anti-Violence Project's *Model Policies* document (available at http://www.avp.org/storage/documents/Training%20and%20TA%20Center/VAVP_LGBTQ-Inclusive_Model_Policies.pdf) includes the following two policies:

Sample Non-Discrimination Personnel Policy

[Organization] is committed to creating an environment that supports equal employment opportunity and non-discrimination 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.

Sample Sexual Orientation and Gender Identity Non-Discrimination Policy for Clients

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

In its groundbreaking *Open Minds Open Doors: Transforming Domestic Violence Programs to Include LGBT Survivors* (available at http://www.ncdsv.org/images/TheNetworkLaRed_OpenMindsOpenDoors_2010.pdf) offers two sample policies:

Sample Non-discrimination Policy

All employees will not discriminate against any other employee, volunteer, board member, or people we serve based on a person's race, color, national origin, religion, sex, sexual preference, gender identity, gender expression, age, marital status, Vietnam-era veteran status, disability or class.

Sample Form for Clients to Sign re: Non-discrimination

[Program Name] welcomes individuals who are heterosexual, bisexual, gay, lesbian, queer, and/or transgender of differing races, classes, religions, ages, and backgrounds. I will be respectful of the other program participants and staff. I understand that any oppressive or abusive language or actions are not acceptable. If I have questions about this policy, I can ask a staff member to explain it to me. If a program participant or any staff member is acting in an abusive or oppressive way towards me, I know that I can report this behavior to a staff member. If I feel that the issue has not been addressed, I can then report it to the program coordinator, _____.

If the issue has still not been appropriately addressed, I can bring the issue to the executive director, _____.

Signed _____

Date _____



P.O. Box 1272
Milwaukee, WI 53201

tel: 414.559.2123

www.FORGE-forward.org
AskFORGE@FORGE-forward.org



www.facebook.com/FORGE.trans



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[@forge_forward](https://www.instagram.com/forge_forward)