

Including Sexual Orientation and Gender Identity in Diversity

U.S. Department of Agriculture
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Introduction

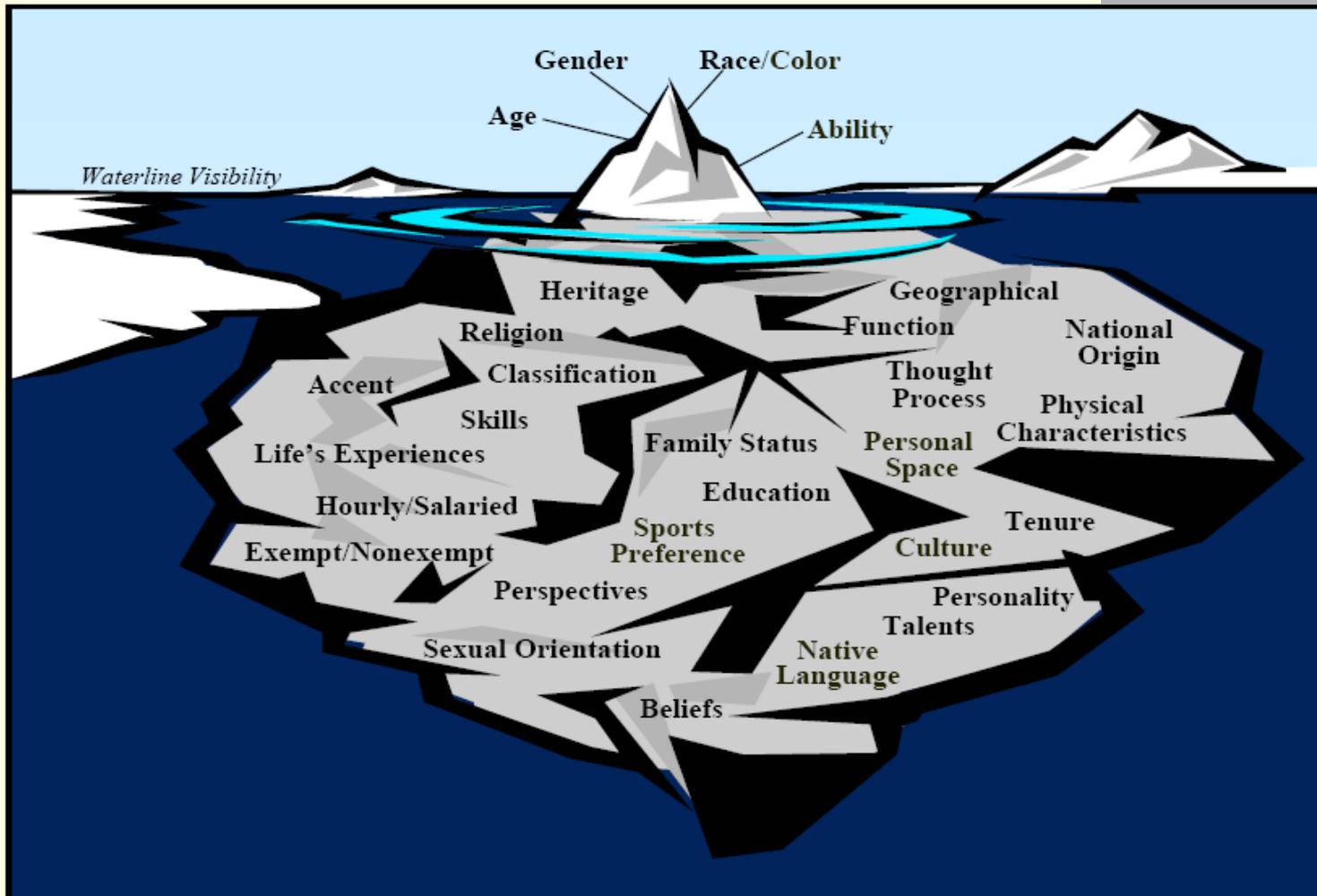


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Presentation Outline

- Diversity
- Courageous conversations
- Terminology
- Definition: What is sexual orientation?
- Demographics
- Sexual orientation diversity in the USDA
- Sexual orientation diversity in the federal government
- Current GLBT issues in the U.S.
- Workplace issues
- What can I do to promote workplace diversity?

Diversity Factors



Courageous Conversations

- Are usually the conversations that you don't want to have.
 - Can make people uncomfortable.
 - Can show us where our barriers/biases are.
 - Can challenge our belief system.

Courageous Conversations

- Are usually the conversations that people need.
 - Can help you gain knowledge, wisdom and understanding.
 - Can be use to resolve and prevent conflicts.

Courageous Conversations

- The intent of this conversation is to inform and educate. It is not intended to dissuade anyone's personal opinions or religious beliefs regarding homosexuality.
- It is designed to address issues that prevent the workplace from being a safe, secure and productive environment for all USDA employees.
- It will provide you with information regarding current federal requirements regarding sexual orientation nondiscrimination.

Terminology

- GLBT: Abbreviation for Gay, Lesbian, Bisexual and Transgender. Also seen as LGBT.
- Gay: A term given to people of the same gender who are attracted sexually and emotionally to each other. More commonly used to describe male homosexuals.
- Lesbian: A term given to females who are attracted sexually and emotionally to some other females.
- Bisexual: A term given to people who are attracted sexually and emotionally to some males and females. Also “bi”.

Terminology

- Gender Identity: Our innermost concept of self as “male” or “female” – what we perceive and call ourselves. Individuals are conscious of this between the ages of 18 months and 3 years. Most people develop a gender identity that matches their biological sex. For some, gender identity is different from biological sex (transsexuals).

Terminology

- Transgender: A term given to people whose *gender expression (how people externally communicate their gender identity to others)* at least sometimes runs contrary to what others in the same culture would normally expect. Includes transsexuals, cross-dressers, drag queens/kings.

Terminology

- Transsexuals: Term given to those who do not identify with their birth-assigned genders. American Psychiatric Assoc. refers to this condition as *Gender Identity Disorder (GID)*.

Transsexuals sometimes alter their bodies surgically and/or hormonally. The transition (formerly called “sex change”) is a multi-step process that may take years and may include sex reassignment surgery.

Terminology

- Coming Out (of the closet): To be “in the closet” means to hide one’s identity. Many GLBT people are “out” in some situations and “closeted” in others. To “come out” is to publicly declare one’s identity. Coming Out is a life long process – in each new situation a person must decide whether to come out or not. Parents, friends and co-workers come out of the closet too.

Terminology

- Conversion Therapy: An attempt to change a person's sexual orientation. Also known as a cure for homosexuality.
 - Usually doesn't work and may even be harmful.
 - Can produce feelings of depression, hopelessness, shame and anxiety. Some people become suicidal.
 - The American Psychiatric Association recommends that "ethical practitioners refrain from attempts to change individuals' sexual orientation."

Terminology

- Down Low or DL: Men who discreetly have sex with other men while in sexual relationships with women are said to be on the “down low” (or “DL” for short). Often these men do not consider themselves gay or bisexual and their female partners are not aware that they have sex with other men, thus the term “down low” or “in hiding.” The practice of “straight men” secretly having sex with men is seen across all ethnic groups

Terminology

■ Homophobia:

- Term first used by Dr. George Weinberg in the late 1960's to label heterosexuals' dread of being in close quarters with homosexuals as well as homosexuals' self loathing. (*Society and the Healthy Homosexual* - 1972)
- An aversion to gay or homosexual people, their lifestyle, culture or behavior. Irrational fear of homosexuality. (*American Heritage Dictionary*)

Terminology

- Heterosexism:
 - Value system that denies, denigrates and stigmatizes any non-heterosexual form of behavior, identity, relationship or community.
 - An “ism” like sexism or racism where one is considered better than others.
 - Pervades societal customs and institutions.
 - Creates misinformation and misconceptions.
 - Operates through a dual process of invisibility and attack.

Terminology

- Heterosexism (examples)
 - Don't Ask, Don't Tell
 - Lack of legal protections against antigay discrimination
 - Hostility to lesbian and gay committed relationships (DOMA)
 - Misinformation about homosexuality
 - It's a choice
 - It's an illness that can be cured
 - GLBT individuals want "special rights"

Terminology

- Lavender Ceiling:

- When GLBT issues are avoided organizationally and individually.
- When homophobia and heterosexism are an established part of the workplace culture and the open service, career development and promotional advancement of GLBT employees is impeded or prevented.

Terminology

- Queer: Historically a negative term used against people perceived to be GLBT. “Fag” and “faggot” are also negative terms. “Dyke” is a negative term used to describe lesbians. These terms should not be used.

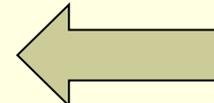
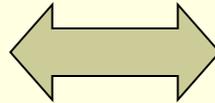
What is Sexual Orientation?

According to the American Psychological Association (APA), sexual orientation is an enduring, emotional, romantic, sexual or affectional attraction to another person.

What is Sexual Orientation?

Everyone has a sexual orientation.
Everyone falls on a scale of somewhere between purely heterosexual and purely homosexual.

Heterosexual Bisexual Homosexual



What is Sexual Orientation?

Sexual Orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express their sexual orientation in their behaviors.

What is Sexual Orientation?

- Sexual Orientation is not a conscious choice that can be voluntarily changed.
- Human beings cannot choose to be gay or straight.
- Sexual Orientation emerges for most people in early adolescence (before the age of 5) without any prior sexual experience.

What is Sexual Orientation?

- Homosexuality is not a mental illness.
 - 1973 – The American Psychiatric Association removed homosexuality from its list of mental disorders.
 - 1975 – The American Psychological Association adopted a resolution stating that “Homosexuality implies no impairment in judgment, stability, reliability or general social or vocational capabilities.”

Demographics

- It is estimated that gays and lesbians, make up 5% of the U.S. population.*
- U.S. Census Bureau estimates the current U.S. population to be 300,000,000+.

Source: Williams Institute on Sexual Orientation Law and Public Policy, UCLA School of Law

Demographics

- Estimated number of gays and lesbians in the U.S. is 15,000,000.

Demographics

- Estimated number of gays and lesbians in the U.S. is 15,000,000.
- There are 3.1 million gay & lesbian couples (41% of the total gay/lesbian population).
- 4 million gays and lesbians have children.

Diversity Inc. 2004

Demographics

- Estimated \$712 billion consumer market in 2008.
- Projected to exceed \$835 billion by 2011.

Source: Witeck-Combs Communications and Packaged Facts
National Gay & Lesbian Chamber of Commerce

Demographics

- According to the 2000 Census:
 - 99.3 percent of U.S. counties reported same-sex cohabitating unmarried partners.
 - The largest increases (since the 1990 Census) were reported in rural, sparsely populated areas.

Demographics

- States with the largest total numbers of gay, lesbian and bisexual adults:
 - CA, DC, FL, IL, NY and TX
- States with the largest percentage of gay, lesbian and bisexual adults:
 - DC, ME, MA, NH, WA

Source: Harris Interactive 2007

Sexual Orientation Diversity in the U.S. Department of Agriculture

- April 1993, Secretary Espy issued the Department's EEO and Civil Rights Policy Statement which specifically prohibited discrimination and harassment based on sexual orientation.

Sexual Orientation Diversity in the U.S. Department of Agriculture

- June 1993, a Departmental Task Force was formed to develop recommendations designed to implement the Secretary's policy regarding this issue.

Sexual Orientation Diversity in the U.S. Department of Agriculture

- July 1999, USDA announced the formation of the Second USDA Task Force on Sexual Orientation.

Sexual Orientation Diversity in the U.S. Department of Agriculture

“If the Department fully implements its sexual orientation nondiscrimination and diversity policy, USDA stands to gain greater openness, job satisfaction, and retention among its workforce; increased productivity and customer service; and the prevention of costly complaints. We have estimated the potential savings that could be realized by the Department through this course of action to be approximately \$23 million annually.”

Report of the 2nd USDA Task Force on Sexual Orientation

Sexual Orientation Diversity in the U.S. Department of Agriculture

- Fall 2000 established a Secretary's Advisory Council on sexual orientation: Gay & Lesbian Employee Advisory Council (GLEAC)
 - Advise USDA leadership on issues affecting GLBT employees.
 - Assist in the implementation of Departmental policies.
 - Develop and deliver training addressing sexual orientation nondiscrimination.

Sexual Orientation Diversity in the U.S. Department of Agriculture

- June 2009, Secretary Vilsack signed Departmental Regulation 4230-002 creating a Special Emphasis Program for GLBT employees.

Sexual Orientation Diversity in the U.S. Department of Agriculture

“We’re going to sign a document that is our collective commitment from the leadership of the Department down to every single employee that suggests that diversity, including gay and lesbian diversity, is going to be celebrated, going to be recognized, and going to be part of the USDA experience.”

*USDA Secretary Tom Vilsack
USDA Pride Celebration
June 4, 2009*

Sexual Orientation Diversity in the Federal Government

- Lavender Scare
- Civil Service Reform Act of 1978
- 1995 Executive Order 12968
- 1998 Executive Order 13087
- 1998 Oncale vs. Sundowner

Sexual Orientation Diversity in the Federal Government

- The Lavender Scare
 - The Cold War persecution of gays and lesbians in the Federal Government.

Sexual Orientation Diversity in the Federal Government

- Civil Service Reform Act of 1978
 - Protection from non-merit based personnel actions.

Sexual Orientation Diversity in the Federal Government

- 1995 Executive Order 12968
 - Security clearances for GLBT individuals.

Sexual Orientation Diversity in the Federal Government

- 1998 Executive Order 13087
 - Prohibits employment discrimination based on sexual orientation in the Federal Government.
 - OPM publishes “Addressing Sexual Orientation Discrimination in Federal Civilian Employment: A Guide to Employee’s Rights (June 1999)

Sexual Orientation Diversity in the Federal Government

- 1998 Oncale vs. Sundowner
 - Same-sex sexual harassment violates 1964 Civil Rights Act prohibition against discrimination on the basis of sex.

Current Issues for GLBT Individuals in the United States

- Employment protections
- Same-sex partnerships
- Domestic partner benefits
- Don't Ask, Don't Tell
- Violence – Hate Crimes

Current Issues for GLBT Individuals in the United States

Employment protections

- No federal law prohibits employment discrimination based on sexual orientation.

Current Issues for GLBT Individuals in the United States

Employment Protections

- Workers in 29 states can be fired because of their sexual orientation. Workers in 38 states can be fired because of their gender identity.
 - 21 states and DC prohibit sexual orientation discrimination in the workplace (both public & private sector).
 - 12 of those states and DC also prohibit discrimination in employment based on gender identity.
 - 10 additional states prohibit sexual orientation discrimination in their public workforces. 5 include gender identity.

Current Issues for GLBT Individuals in the United States

■ Public & Private Sectors

- **California** **New York**
- **Colorado** **Oregon**
- **Connecticut** **Rhode Island**
- **Delaware** **Vermont**
- **Hawaii** **Washington**
- **Illinois** **Wisconsin**
- **Iowa**
- **Maine** **DC**
- **Maryland**
- **Massachusetts**
- **Minnesota**
- **Nevada**
- **New Hampshire**
- **New Jersey**
- **New Mexico**

■ Public Sector Only

- **Alaska**
- **Arizona**
- **Indiana**
- **Kansas**
- **Kentucky**
- **Michigan**
- **Montana**
- **Ohio**
- **Pennsylvania**
- **Virginia**
- **Louisiana** expired 8/08

Black designates sexual orientation only.

Blue designates sexual orientation and gender identity.

Current Issues for GLBT Individuals in the United States

Employment Protections

- Employment Non-Discrimination Act (ENDA)
 - 2007 version passed by the House excluded gender.
 - 2009 version introduced in the House is includes gender (trans-inclusive).
 - Passage of trans-inclusive ENDA is supported by President Obama.

Current Issues for GLBT Individuals in the United States

Same-sex partnerships

- Defense of Marriage Act (DOMA 1996)
 - Denies Federal recognition of same-sex marriage.
 - Gives states the right to refuse to recognize same-sex marriage licensed in other states.
 - Does not bar states from legalizing same-sex marriages within their borders.

Current Issues for GLBT Individuals in the United States

Same-sex partnerships

State recognition

- CT, IA, MA, NH and VT recognize marriage for same-sex couples. (CA & ME)
- NJ recognizes civil unions for same-sex couples.
- Several states and DC recognizes domestic partnerships and provide varying rights and benefits to same-sex couples.

Current Issues for GLBT Individuals in the United States

Same-sex partnerships

Federal denial of recognition

- 1,138 benefits, rights and protections provided on the basis of marital status in Federal law.
- 2010 Census: Counting same-sex unions

Current Issues for GLBT Individuals in the United States

Domestic Partner Benefits

Private Sector

- 14 states and DC provide state employees with domestic partner benefits
- 57% of the Fortune 500 companies provide health benefits to same-sex partners of their employees.

Current Issues for GLBT Individuals in the United States

Domestic Partner Benefits

Federal Government

- Survivorship Benefits (Life Ins. & TSP)
- Sick Leave Benefits
 - 5CFR630.401 (Defines SL usage)
 - 5CFR630.201 (Defines family as any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.)

Current Issues for GLBT Individuals in the United States

Domestic Partner Benefits

Federal Government

- Extension of Identified Benefits – Foreign Service*
 - Use of medical facilities abroad.
 - Inclusion of domestic partners in family size for housing allocations.
 - Medical evacuation from posts abroad.

- Extension of Identified Benefits – Civil Service
 - Sick leave usage
 - Long-term care insurance program

Current Issues for GLBT Individuals in the United States

Domestic Partner Benefits

- Domestic Partnership Benefits & Obligations Act
 - This bill would provide domestic partnership benefits to all federal civilian employees on the same basis as spousal benefits. These benefits, available for both same- and opposite-sex domestic partners of federal employees, would include participation in applicable retirement programs, compensation for work injuries and life and health insurance benefits.

Current Issues for GLBT Individuals in the United States

Don't Ask, Don't Tell

- DADT is the common term for the policy regarding gays and lesbians serving openly in the U.S. military mandated by federal law passed in 1993.

Current Issues for GLBT Individuals in the United States

Don't Ask, Don't Tell

- Prohibits anyone who demonstrates a propensity or intent to engage in homosexual acts from serving in the armed forces of the U.S. because *“it would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”*

Current Issues for GLBT Individuals in the United States

Don't Ask, Don't Tell

- The “don't ask” part of the policy indicates that superiors should not initiate investigation of a service member's sexual orientation in the absence of disallowed behaviors, though mere suspicion of homosexual behavior can cause an investigation.
- The “don't tell” part prohibits any homosexual or bisexual from disclosing his or her sexual orientation or from speaking about any homosexual relationships while serving in the U.S. armed forces.

Current Issues for GLBT Individuals in the United States

Don't Ask, Don't Tell

- More than 13,000 troops have been discharged for being gay since 1993.*
- President Obama supports the repeal of DADT.
- Repealing DADT will likely be included as part of next year's Department of Defense authorization bill in both chambers of Congress.

* Source: Boston Globe, 5/20/09

Current Issues for GLBT Individuals in the United States

Violence

Hate Crimes Legislation

- Bias-motivated violence intended to intimidate an entire group of people.
- Hate-based crimes based on sexual orientation and gender identity continue to increase in both number and severity.

Current Issues for GLBT Individuals in the United States

Violence

Hate Crimes Legislation

- Sexual orientation-inclusive hate crimes bills were first introduced in Congress in 1997.
- Named after Matthew Sheppard and James Byrd, Jr., the law was signed by President Obama on October 28, 2009.

Current Issues for GLBT Individuals in the United States

Violence

Hate Crimes Legislation

- This measure expands the federal hate-crimes law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity or disability.
- Gives the federal government jurisdiction over prosecuting hate crimes in states where there is no hate-crimes law, where the current law is inadequate or when local authorities are unwilling or do not have the resources to do prosecutions themselves.

Workplace Issues

- Heterosexism
 - Inclusion or exclusion
- Fear
 - Harassment & hostile work environment
 - Jokes, comments, threats
- Lavender Ceiling
 - Advancement and promotion
 - Unconscious bias

Workplace Issues

- Current employees are coming out of the closet.
- New employees won't go back in the closet.
- Some discriminatory attitudes are hardening.

What Can I Do To Promote Diversity In the Workplace?

- Be honest: Recognize your own biases, prejudices and values.
- Be a partner: Work on projects with members of groups different from your own.
- Be a role model: Be vocal in opposing prejudice and help educate others

What Can I Do To Promote Diversity In the Workplace?

- Be an ally: Support victims of discrimination or prejudice.
- Be an activist: Challenge discrimination and prejudice.
- Be a teacher: Teach tolerance, encourage openness, teach conflict resolution skills.
- Be a student: Educate yourself & others.

Including Sexual Orientation and Gender Identity in Diversity

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