LAW OFFICE *of* KRISTIE McCANN

INC.

YOUR PARTNERS IN COMPLIANCE & PREVENTION

# SUPPORTING LGBTQ+ COMMUNITIES

# DISCLAIMERS

The information shared in this training, whether in group discussions or private conversations, is for educational purposes only and does not constitute legal advice or a guarantee of compliance.

While our organization is available for hire to provide legal counsel or advice, our trainings do not offer or constitute legal advice.

For guidance specific to your organization, consult legal counsel to ensure alignment with relevant case law, state and local regulations, and evolving federal standards.

LAW OFFICE *of*
KRISTIE McCANN
INC.

# MEET OUR TEAM

**Kristie McCann, Esq.**
Owner, Attorney

**Alyssa Roush**
Civil Rights Specialist

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Learning Objectives

Afterwards, you'll be able to:

- Define key LGBTQ+ terms and explain the importance of inclusive language
- Recognize how bias, discrimination, and disrespect operate on a spectrum
- Understand the intersectional nature of LGBTQ+ experiences
- Apply practical questions to guide compliant and compassionate decision-making
- List concrete actions to create psychological safety in your role
- Navigate institutional politics with clarity and care
- Advocate for equity without compromising safety or legality

# LGBTQ+ Fundamentals

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Core Definitions

## GENDER EXPRESSION

the external display of one's gender, through a combination of clothing, grooming, demeanor, social behavior, and other factors, generally made sense of on scales of masculinity and femininity. Also referred to as "gender presentation."

## GENDER IDENTITY

the internal perception of one's gender, and how they label themselves, based on how much they align or don't align with what they understand their options for gender to be.

## SEXUAL ORIENTATION

the type of sexual, romantic, emotional/spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people they are attracted to.

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Defining "Sex"

## U.S. Government (Title IX enforcement)

Defined strictly as an individual's immutable biological classification as male or female, determined at birth based on reproductive anatomy.

## Title VII (Supreme Court) - employment context

In this context, "sex" includes protections for not only biological sex but also for pregnancy, sexual orientation, and transgender status.

## Commonly understood by others

Most commonly, "sex" is a medical term used to refer to the chromosomal, hormonal and anatomical characteristics that are used to classify an individual as female, male, or intersex. AKA "biological sex," "anatomical sex," or specifically as "sex assigned at birth."

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Let's Talk About Pronouns

What are personal pronouns?

- A word that replaces a noun or noun phrase, typically used in place of someone's name.
- People often use gendered pronouns when referring to others in the third person.
- These pronouns can imply gender, but the associations may be inaccurate or unhelpful.
- Assumptions about a person's gender are frequently based on appearance or name & can be harmful, suggesting people must look a certain way to "match" their gender or sex.

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Let's Talk About Pronouns

Why does it matter?

- Using someone's correct pronouns shows respect and supports an inclusive environment—similar to using their correct name.
- Guessing and using incorrect pronouns can be offensive and potentially harassing.
- Ignoring stated pronouns may suggest that intersex, transgender, nonbinary, and gender nonconforming identities are invalid.
- Purposeful misgendering can rise to the level of discrimination / discriminatory harassment.

LAW OFFICE *of*
KRISTIE MCCANN
INC.

# Let's Talk About Pronouns

## How to use personal pronouns

- Sharing pronouns is a way for someone to indicate how they want to be referred to in the third person.
- "They/them" is often appropriate to use when a person's pronouns are unknown.
- A person's pronouns do not necessarily reflect their gender.
- It is also possible to avoid using pronouns altogether.
- Some people use less common pronoun sets (e.g., ze/zir, ze/hir, per/pers, ey/em, xe/xem); check with the individual or refer to reliable resources.
- Some individuals go by multiple pronoun sets (e.g., she/they, they/he, "any pronouns"), meaning any of those are usually acceptable.

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Let's Talk About Pronouns

Some Examples

- She/Her: "She is a writer and wrote that book herself. Those ideas are hers. I like both her and her ideas."
- He/Him: "He is a writer and wrote that book himself. Those ideas are his. I like him and his ideas."
- They/Them: "They are a writer and wrote that book themself. Those ideas are theirs. I like them and their ideas."
- Ze/Hir: "Ze is a writer and wrote that book hirself. Those ideas are hirs. I like hir and hir ideas."
- No Pronouns – Use Their Name: "Alyssa is a writer and wrote that book. Those ideas are Alyssa's." I like Alyssa and Alyssa's ideas." "Alyssa wrote that book unassisted" or "Alyssa was the sole author of that book." "Alyssa wrote the book Alyssa's self."

# Let's Talk About Pronouns

## Sharing & Asking

- Sharing your pronouns is encouraged, but not required.
- There is privilege in having your appearance align with common pronoun assumptions—sharing pronouns helps challenge and disrupt that privilege.
- Pronouns can be added to name tags, email signatures, and introductions.
- When meeting someone new, try: "Hi, I'm [Name], and I go by [x] pronouns. How should I refer to you?"
- Never force anyone to share pronouns—create space by inviting or encouraging it.
- In group settings, say: "Let's share our names, departments, and pronouns if you'd like/if you're comfortable."
- Remember: names and pronouns may change over time or vary across contexts.

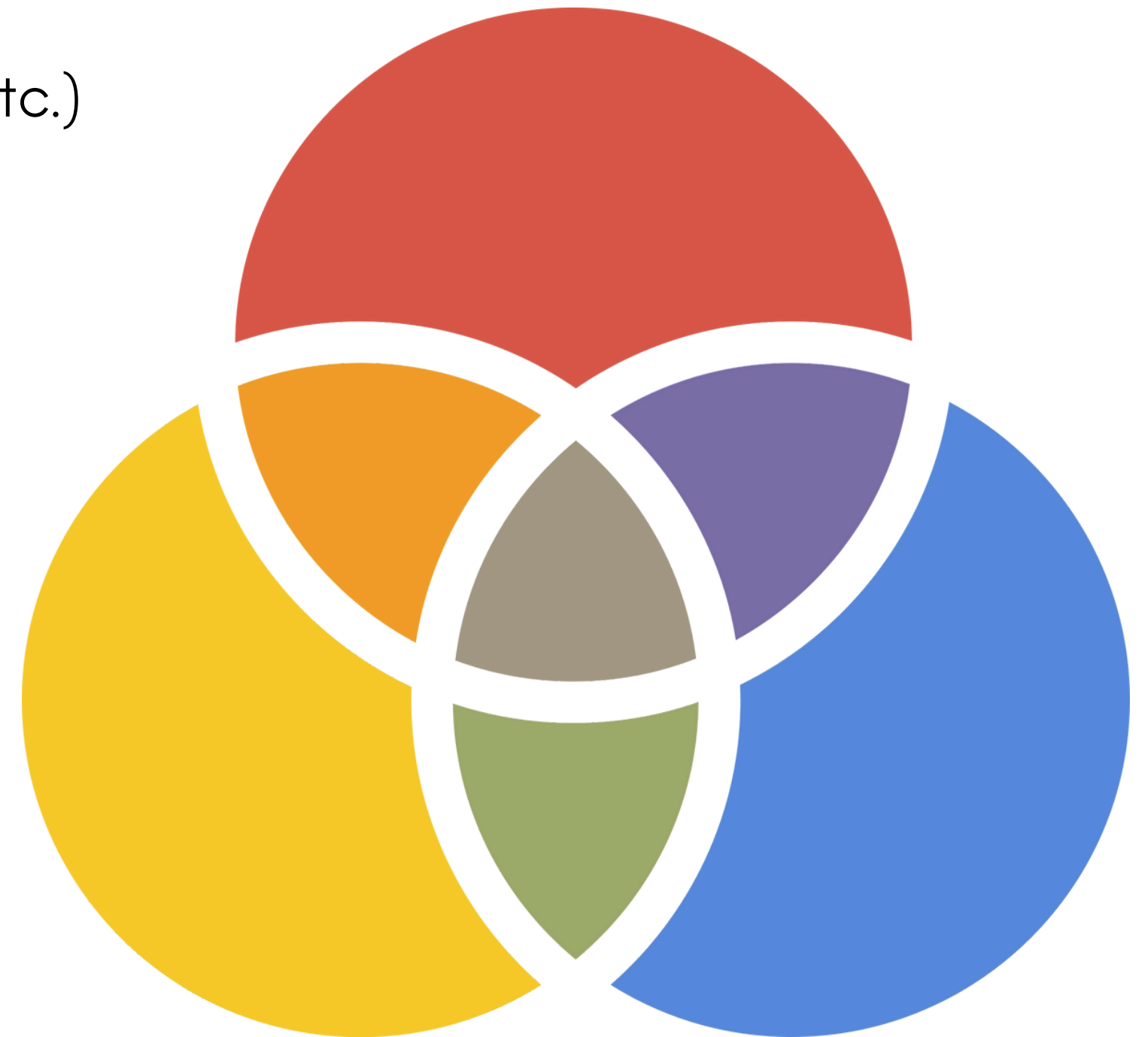# Let's Talk About Pronouns

## Mistakes Happen

- Responding to pronoun mistakes depends on context, relationships, and individual preferences.
- If you make a mistake:
  - Correct yourself briefly in the moment and move on.
  - Avoid making it a big deal unless the person wants to discuss it.
  - Follow up privately if appropriate, to apologize or ask how to support moving forward.
- Examine your assumptions:
  - Example: "I've always used 'she/her' for you, but I want to check—are those still the right pronouns?"
- Gently remind others of someone's correct pronouns—supportive reinforcement helps build respectful habits.

# Inclusive Language

| Avoid Saying | Try This Instead |
|---|---|
| Ladies and gentlemen, guys (for all groups) | Everyone, folks, guests, team, all |
| He/she (in policy language) | They/their/theirs, student(s), employee(s) |
| Transgendered | Transgender person |
| Hermaphrodite | Intersex person |
| Sexual preference | Sexual orientation |
| Born a boy/girl, biological male/female | Assigned male/female at birth |

LAW OFFICE *of*
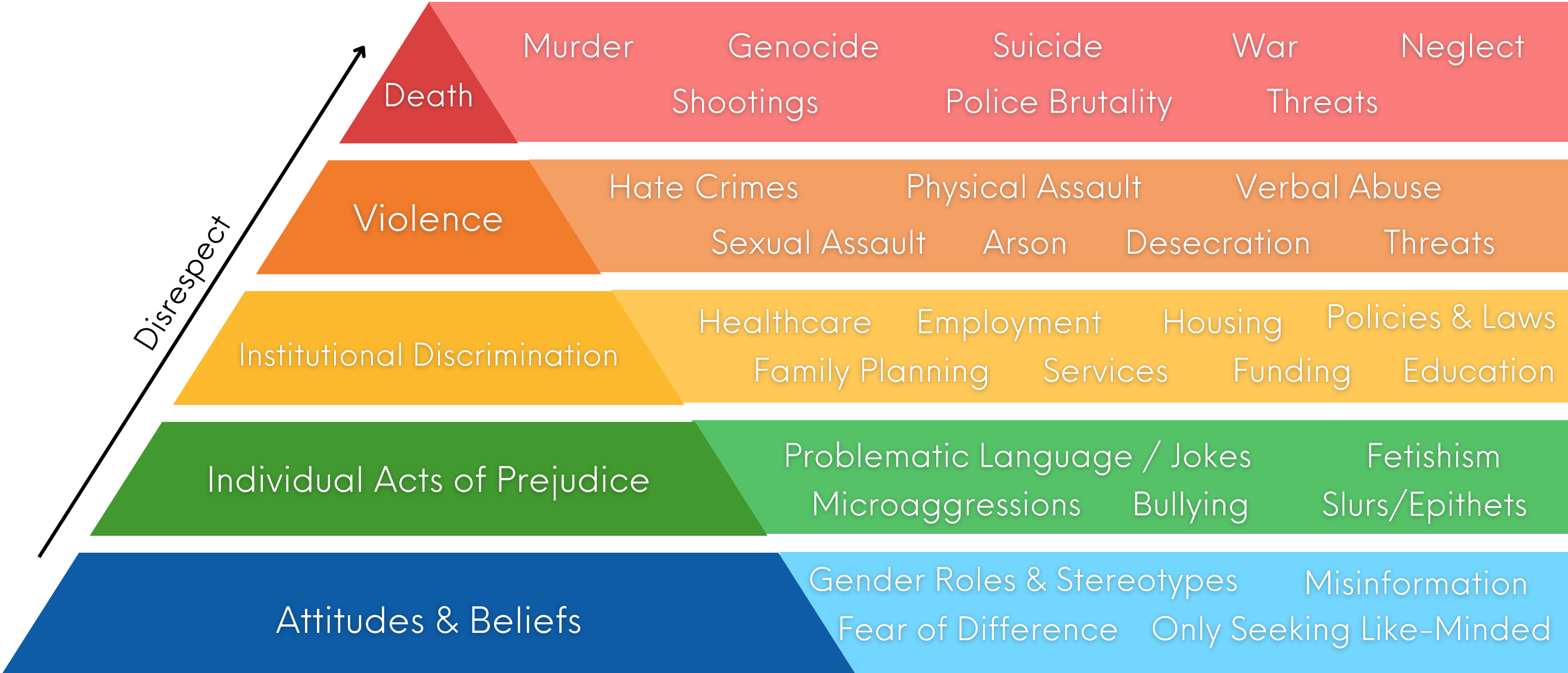KRISTIE McCANN
INC.

# Intersectionality

- Intersectionality = how overlapping social identities (e.g., race, gender, sexual orientation, class, ability, etc.) shape lived experiences.
- LGBTQ+ people exist across all identities and communities.
- Barriers and discrimination may be compounded for LGBTQ+ individuals who are also:
  - Black, Indigenous, or People of Color (BIPOC)
  - Disabled
  - Immigrants or undocumented
  - Low-income or unhoused
- Systems of oppression (e.g., racism, ableism, transphobia) intersect and affect access to safety, healthcare, education, and opportunity.
- Inclusive practices must recognize and support the whole person, not just one aspect of identity.

LAW OFFICE *of*
KRISTIE MCCANN
INC.

# Why This Matters

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Pyramid of Violence & Spectrum of Disrespect

**Disrespect** →

**Death**
Murder · Genocide · Suicide · War · Neglect
Shootings · Police Brutality · War · Threats

**Violence**
Hate Crimes · Physical Assault · Verbal Abuse
Sexual Assault · Arson · Desecration · Threats

**Institutional Discrimination**
Healthcare · Employment · Housing · Policies & Laws
Family Planning · Services · Funding · Education

**Individual Acts of Prejudice**
Problematic Language / Jokes · Fetishism
Microaggressions · Bullying · Slurs/Epithets

**Attitudes & Beliefs**
Gender Roles & Stereotypes · Misinformation
Fear of Difference · Only Seeking Like-Minded

LAW OFFICE *of* KRISTIE McCANN INC.

Your Role:
Bridge legal compliance
&
human-centered support

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Core Federal Protections

| Title VII | Title IX | Fair Housing Act (FHA) | Equal Credit Opportunity Act (ECOA) | Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act | 1st Amendment | 14th Amendment |
|---|---|---|---|---|---|---|
| • Prohibits employment discrimination based on sex.<br>• Bostock v. Clayton County (2020) extended this to cover sexual orientation and gender identity. | • Prohibits discrimination on basis of sex in federally funded education programs.<br>• Transgender protections being challenged. | • Prohibits discrimination in housing on the basis of sex<br>• Interpreted to include LGBTQ+ identity via HUD guidance.<br>• Applies to student housing. | • Prohibits credit discrimination based on sex and marital status.<br>• Includes protections for LGBTQ+ individuals seeking student loans or credit. | • Expanded federal hate crime protections to include those based on actual or perceived sexual orientation and gender identity. | • Safeguards the rights to free expression, including identity expression.<br>• Also used to challenge inclusive policies (e.g., on speech or religion grounds). | • The Equal Protection Clause prevents states from enacting laws that discriminate based on sexual orientation or gender identity. |

# What about State Protections?

- **<u>Rhode Island</u>**
  - Rhode Island Civil Rights Act & Rhode Island Fair Employment Practices Act prohibit discrimination based on sexual orientation and gender identity in employment, housing, public accommodations, and education.
- **<u>Connecticut</u>**
  - CGS § 46a-81 protects against discrimination in employment, education, housing, and public accommodations based on sexual orientation and gender identity.
- **<u>Massachusetts</u>**
  - Massachusetts General Laws Ch. 151B & Ch. 76 §5 prohibit discrimination based on gender identity and sexual orientation in schools, employment, housing, and more.
  - "An Act Relative to Transgender Anti-Discrimination" (2016) expanded transgender nondiscrimination in public accommodations, as well as employment

# Navigating the Political & Legal Landscape

- Conflicting state vs. federal policies (e.g., gender expression bans vs. Title IX obligations)
- Political shifts and changing federal priorities (DOE guidance can change between administrations)
- Enforcement uncertainty = climate of fear or inaction
- You May Be Asking:
  - What if federal guidance conflicts with my state's laws?
  - Can I still support LGBTQ+ students without crossing legal lines?

LAW OFFICE *of*
KRISTIE McCANN
INC.

# When State Law Conflicts

- You must follow state law — but consult counsel on possible preemption by federal law
- Understand exactly what's prohibited (many laws are intentionally vague)
- Use legally neutral options
- Support through culture, not mandates
  - Create ally networks, provide visibility, listen actively
- Document your rationale and always consult legal counsel before pushing policy boundaries.

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Practical Actions & Considerations

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Compliance Considerations & Questions to Guide You

- What do federal civil rights obligations require at a minimum? What about state requirements?
- Can we support our community while awaiting legal clarity?
- What proactive steps don't violate law but still demonstrate inclusion?
- What does our legal counsel advise?
- How can we center student and employee safety while protecting institutional integrity?
- Document your decisions and rationale.

# Creating Psychological Safety

| | |
|---|---|
| **S**<br>status | • Normalize pronoun sharing<br>• Use inclusive language<br>• Highlight and elevate LGBTQ+ faculty, staff, and student leaders<br>• Ensure LGBTQ+ voices are included in leadership meetings, policy development, and advisory boards.<br>• Showcase stories of LGBTQ+ students and employees in newsletters, websites, and media. |
| **C**<br>certainty | • Statements of inclusion in handbooks and syllabi<br>• Clear processes for identity changes<br>• Ensure legal names only appear where absolutely required, protecting transgender individuals from being outed. |
| **A**<br>autonomy | • Allow students and employees to self-identify their gender and sexual orientation.<br>• Dress codes with guidelines that allow for personal expression.<br>• Gender-inclusive housing and restrooms. |
| **R**<br>relatedness | • Support affinity groups for LGBTQ+ students, faculty, and staff to foster community and connection.<br>• Establish cross-campus LGBTQ+ mentorship programs connecting students with supportive faculty and staff.<br>• Host LGBTQ+-inclusive social, cultural, and academic events to foster belonging |
| **F**<br>fairness | • Regularly review policies and procedures to identify and remove bias against LGBTQ+ individuals.<br>• Ensure LGBTQ+ staff and faculty have equitable access to leadership training and promotion.<br>• Collect and share anonymized data on LGBTQ+ experiences to monitor institutional progress. |

Based on the SCARF Model, developed by David Rock, author of *Your Brain at Work*

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Some Steps You Can Personally Take

- Display symbols of LGBTQ+ allyship and express actions that show your allyship.
- Share your pronouns in your email signature, social media bio, when you introduce yourself to others, etc.
- Confront your own prejudices & biases.
- Educate yourself & others.
- Get comfortable being uncomfortable.
- Use your privilege for good!
- Being an active bystander against bias, discrimination, and discriminatory harassment.

# Some Steps You Can Take as an Administrator

- Use inclusive language in all communication and policies
- Conduct LGBTQ+ climate assessments
- Create opt-in support spaces (e.g., Community Hours)
- Review forms/systems for gendered or limited language
- Ensure restroom and locker room signage signals safety
- Update dress codes to emphasize respect, not conformity
- Collaborate with community allies and resources
- Reinforce anti-harassment and nondiscrimination values
- Practice active listening, support, and referral

LAW OFFICE *of*
KRISTIE McCANN
INC.

# Key Takeaways

- LGBTQ+ inclusion is about safety, dignity, and equity.

- Language matters & builds trust.

- Intersectionality shapes how LGBTQ+ individuals experience harm and support.

- Bullying, harassment and violence often escalate — early intervention is key.

- Legal guidance may shift, but core civil rights protections remain.

- You can lead with inclusion while staying legally cautious.

- Psychological safety starts with small, consistent signals of care.

- You are uniquely positioned to influence climate & policy.

- Support doesn't require a spotlight — it requires intent.
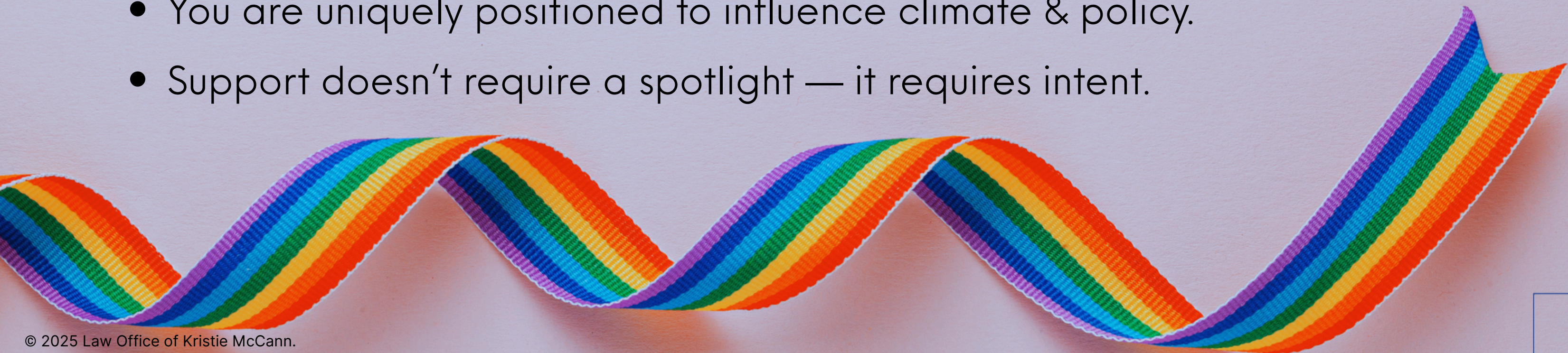
# THANK YOU

✉ alyssa@kristiemccannlaw.com    ✉ kristie@kristiemccannlaw.com

🌐 www.kristiemccannlaw.com

LAW OFFICE *of*
KRISTIE McCANN
INC.