

Serving LGBTQ+ Survivors

Tennessee Domestic Violence Shelter Best Practices Manual / Section I



As recently as 2011, more than 62 percent of LGBTQ+ victims were denied access to shelters, due in part to programs' unwillingness to accept gay men in these facilities. 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 funds.



This reauthorization of VAWA closed critical gaps in services and justice. VAWA now explicitly names LGBTQ+ people as an underserved population within its non-discrimination clause. **The VAWA non-discrimination clause ensures that all victims of violence have access to the same services and protection to overcome trauma and find safety.**


VAWA:

The grant condition reads as follows:

*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.***

FVPSA:

To be in compliance with the federal FVPSA Reauthorizing Legislation, programs that receive FVPSA funding must be accessible. Accessible services will ensure that effective interventions are in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of victims, children, youth, and families. This means services have to be delivered without discrimination on the basis of age, disability, gender, race, color, national origin, or religion. Barriers to accessing shelter, such as requiring participation in supportive services and maintaining rigid program rules, are not allowed. **Accessibility is a**



The VAWA non-discrimination clause prohibits LGBTQ+ victims from being turned away from services, like traditional shelters, on the basis of sexual orientation or gender identity. LGBTQ+ survivors of violence experience the same rates of violence as straight individuals; however, they often face discrimination when seeking help and protection.

broad requirement that includes offering shelter and all core services to victims regardless of gender or sexual orientation.

VOCA:

Section 1407 of the Victims of Crime Act (VOCA) of 1984 prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities (42 U.S.C. § 10604). No person shall on the ground of race, color, religion, national origin, handicap, or **sex** be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under [VOCA].

Rules of Department of Finance and Administration, Chapter 0620-3-6 Tennessee Family Violence Shelter Standards:

People who meet the individual eligibility requirements for family violence shelter and/or shelter services set forth in section 0620-3-6-.02 should receive services regardless of sex. The eight core services as listed in the Shelter standards must be provided for victims of family violence in a family violence program **regardless of the victim’s sexual orientation, sex or gender identity**. Those eight core services are: shelter, telephone crisis hotline, referral, counseling for family violence victims, advocacy for family violence victims, transportation arrangements, follow-up, and community education.

All organizations who procure grants through the Tennessee Coalition to End Domestic and Sexual Violence or the Tennessee Office of Criminal Justice Programs (OCJP) are required to uphold these non-discrimination conditions.

Working with LGBTQ+ Clients

Partner abuse occurs at a comparable rate in LGBTQ+ communities as it does in heterosexual relationships. One in four lesbian, gay, bisexual, pansexual and/or queer people are abused by their partners. Abuse in LGBTQ+ relationships is not about both partners just “fighting it out” all the time. Abuse is never mutual. Abuse is not “two girls in a cat fight” or “boys being boys.” Abuse is one person using power and control over another. Although, as in heterosexual relationships, the abused partner may fight back, there is a difference between self-defense and abuse. Abuse is not about size, strength, who is more masculine or powerful. Abuse is about a set of tactics used by one person to gain power and control over another person regardless of how a person looks or their gender or sexual identity. *(The Network/La Red, Information for Domestic Violence Providers about: LGBTQ Partner Abuse)*

In addition to tactics that are commonly used by abusers in any relationship, some power and control tactics are unique to LGBTQ+ relationships.

Examples of Emotional Abuse in LGBTQ+ Relationships

- Questioning the validity of the survivor's gender identity or sexual orientation
- Controlling what someone wears or how they express their gender or sexuality
- Name-calling using homo/bi/transphobic slurs
- Pressuring partner to come out (make their sexual orientation known publicly)
- Convincing partner of danger or rejection in reaching out or interacting with others in their community
- Convincing the survivor that no one will help them because they are LGBTQ

Examples of Physical Abuse, Intimidation, & Threats in LGBTQ+ Relationships

- Withholding hormones needed for gender transition
- Stalking, which can be easier if the partner is the same gender because they can make calls pretending to be the survivor in order to find out or manipulate their schedule and resources.
- Refusing to let partner rest or heal from gender transition-related surgeries
- Public displays of affection in areas that are not LGBTQ friendly to intimidate or scare partner
- Threat of outing partner's sexual orientation, gender identity, HIV status, or any other personal information to employer, parents, friends, teachers, community, the press, etc

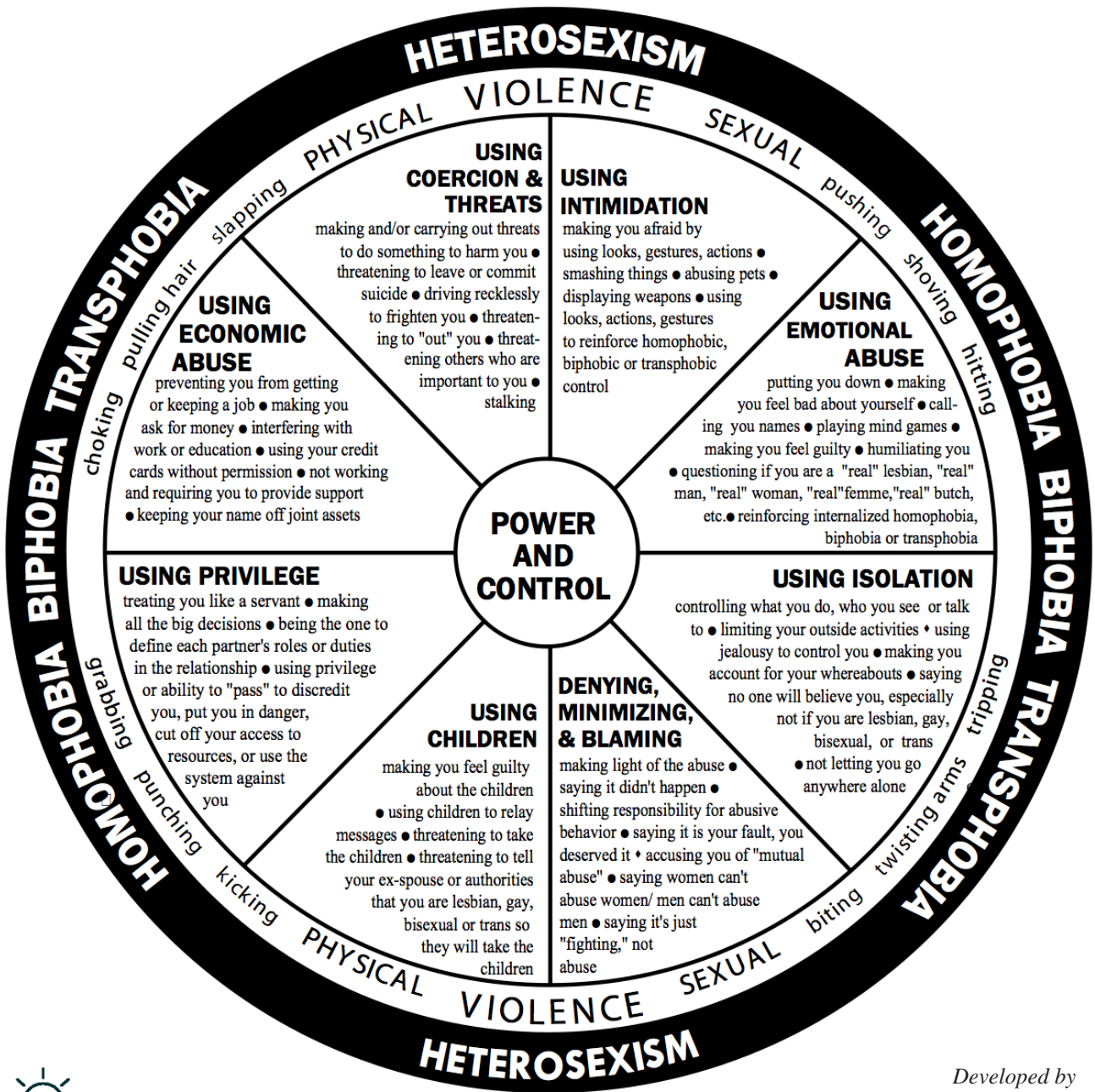
Examples of Sexual Abuse in LGBTQ+ Relationships

- Not respecting words used to describe parts of the survivor's body or body boundaries
- Exposure to HIV or sexually transmitted infections
- Forcing partner to have sex in a way that doesn't align with their gender identity
- Using the myth that women cannot rape other women, or that men cannot be raped to deny or discount sexual assault

Examples of Economic Abuse in LGBTQ+ Relationships

- Getting someone fired from their job, which can be easier if the partner is of the same gender and calls impersonating the survivor to say "I quit"
- Identity theft, which can be easier if the partner is the same gender
- Threatening to out partner to employer or to parents or relatives (if they are paying for tuition, housing, utilities, etc)

Power and Control Wheel for Lesbian, Gay, Bisexual and Trans Relationships



Taking a few moments to compare this wheel with the standard Power & Control Wheel can give you a greater understanding of the unique ways in which common forms of power and control can play out within LGBTQ+ relationships.

*Developed by
Roe & Jagodinsky*

*Adapted from the
Power & Control Wheel
Developed by
Domestic Abuse
Intervention Project
206 West Forth Street
Duluth, MN 55806*

A Note on Screening for Survivors and Abusers

In order to determine who is a survivor seeking services, programs need to screen. Screening is a process of looking at a wide range of behaviors of both partners in the relationship and determining which partner has power and control over the other. There are no shortcuts or quick checklists for determining whether an individual is an abuser or a survivor. Screening is a process and skill that requires training and practice. Agencies who work with LGBTQ communities should learn this skill. The Network/La Red, The GLBT Domestic Violence Coalition, and The Northwest Network all offer screening and/or assessment training. For more information on screening see page 50.

Barriers to services for LGBTQ survivors

Because of homophobia, biphobia, transphobia and heterosexism, LGBTQ survivors face several barriers when trying to access services. Some of these barriers include:

- A sense of invisibility in service systems if there is no mention of LGBTQ partner abuse in outreach materials.
- Judgment or homo/bi/transphobia on the part of service providers, or a fear of this type of discrimination.
- No screening which results in a loss of safety and the possibility of the abuser accessing services.
- Staff ‘outing’ LGBTQ survivors to program participants or other providers.
- Allowing staff or other participants to harass or insult LGBTQ people with impunity.
- Refusing services on the basis of gender identity or perceived gender identity.
- No knowledge of LGBTQ communities by service providers.

(The Network/La Red, Information for Domestic Violence Providers about: LGBTQ Partner Abuse)

Working with Transgender Clients



"Every survivor is a person first; other identities are secondary. They may be relevant to the abuse and to how the survivor copes with it and to whether they have access to a support network. But for providers to see survivors as 'Other' because of their trans identity is unprofessional. It violates the most basic ethical elements of professional relationships: autonomy, beneficence, and a general concern with justice/fairness."

(Munson & Cook-Daniels, 2011)

There are some challenges to shelter access, system structures, and trans-specific issues that are unique to individuals on the transgender spectrum, including those who are androgynous or gender non-conforming. (For definitions of the terms used in this section see page 220.)

“While exact incidence and prevalence rates of intimate partner violence (IPV) among trans people cannot currently be determined, research and experience indicate that the rate of IPV for trans people is

likely the same or greater than the rate among non-trans people at 25 - 33%.” (Black at al., 2011). “Trans people also experience high rates of other forms of violence. Statistics indicate that 1 in 2 experience sexual violence (greater than 50%), almost 1 in 5 experience stalking (18%) and nearly 1 in 3 trans people experience violence motivated by hate (30%).” (Munson, 2014)

Transgender individuals disproportionately experience violence perpetrated by cis-gendered persons, i.e. people who do not identify as trans, both male and female. Trans people face many dangers, including interactions with transphobic individuals, widespread cultural beliefs that shelters only serve women, and the common practice of agencies only accepting non-trans women into shelter. This results in many trans survivors being hesitant, if not fearful, of accessing emergency housing. It is the responsibility of shelters to consider safety of trans individuals, from their abuser as well as other shelter residents, as paramount in their shelter placement.

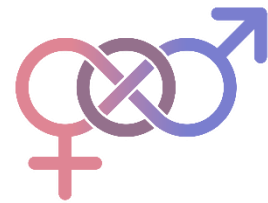
Throughout this chapter, words and phrases such as trans, transgender, and others describing identities will be used to reflect the variety and complexity of identity, experience, and language within the community. We honor and recognize the complexity and multiplicity of gender identities. We use these words in their broadest meanings, inclusive of those whose identities lie outside of these often-limiting terms.

(Adapted from Munson, 2014)

Advocates should keep in mind that trans women are women and trans men are men. It is also important to remember that each survivor (trans or not) will have specific safety needs and concerns that should be addressed when determining where to best place them in shelter. If there is a choice of a gendered facility or all-gender shelter or space, ask the survivor which facility they would like to be housed in. Placement in sex-segregated programs or spaces should correspond with how survivors identify their gender.

Best Practices In Working With Trans Survivors-

- Trans survivors should not be asked about their body (for example, if they are taking hormones, if they have had surgery of any type).
- Trans survivors should not be asked invasive questions (such as how long they have been living as a woman).
- Agencies should not make burdensome demands for identity documents. Agencies should be consistent in the types of documents they ask of any survivor and should not require trans folks to provide additional documentation or proof of their gender identity.
- A [VAWA] recipient may not make a determination about services for one [survivor] based on the complaints of another [survivor] when those complaints are based on gender identity (U.S.



Documentation for Trans Clients

A trans survivor's non-congruent documentation may pose some challenges if they are actively seeking employment or applying for public assistance or benefits. Sometimes the reason trans folks have not yet changed their identification is the cost or access to legal support in changing their name or gender marker. Shelter staff may be able to assist by helping update documents so that survivors can better access jobs, services, benefits and experience increased safety with aligning identification. (Munson, 2014)

To obtain a legal name change in Tennessee, an applicant must submit a petition to the court. No publication is required. Individuals who have prior felony convictions must provide additional documentation. (Tenn. Code Ann. § 29-8-101 to § 29-8-105)

In order to update name and/or gender on a Tennessee ID, the applicant must submit (1) a court order certifying the name change, if applicable, and/or (2) "A statement from the attending physician that necessary medical procedures to accomplish the change in gender are complete" or a court order recognizing gender change. (Tennessee Department of Safety Rule 1340-1-13-.12)

Tennessee specifically prohibits amending sex on a birth certificate: "The sex of an individual will not be changed on the original certificate of birth as a result of sex change surgery." (Tenn. Code Ann. § 68-3-203(d).)

(<http://www.transequality.org/documents/state/tennessee>)

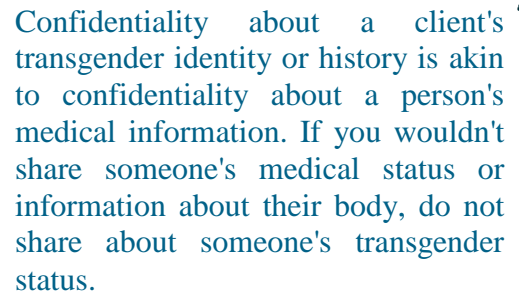
Department of Justice, 2014).

- If traditional shelter is not a viable or safe option (keeping in mind the above VAWA nondiscrimination provisions), agencies may help trans survivors find other types of housing away from their abuser.
- When referring a trans survivor to other shelter options, work with them in gaining permission to make initial contact with the alternative housing to ensure the staff and facility are trained, sensitive, and will treat the client respectfully before referring them.
- When a trans survivor presents identification documents, they may or may not align with their gender identity or visual appearance. 41% of transgender people who predominantly live as their chosen gender do not have a driver's license that matches their current name and/or gender (Grant et al., 2011).
- Regardless of whether a trans survivor has documentation that aligns with their current gender and name, it is vital to ask what name and pronoun they use and would like others to use when addressing them.

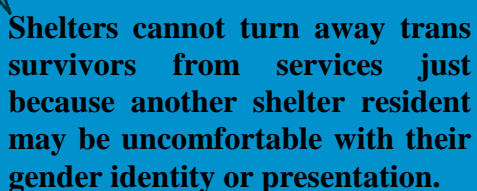
A best practice is to ask all residents about how they would like to be addressed and referred to. For example: "At our agency, we strive to treat everyone with respect; what name and pronoun would you like staff to use when addressing you and referring to you?" If a survivor is unclear about what you mean by pronoun, offer the examples of "he" or "she." Similarly, if they question why you would be asking about what name to use to address them, offer that some people, for example, prefer to be called "Mrs.

Smith" while others prefer "Betty" (Munson, 2014).

- As with all shelter residents, assuring new residents that their personal information will be kept confidential is a critical step toward building trust, showing respect, and empowering them to take back some of the control over what information is shared (or not shared) about them.
- “Keep in mind that accidentally or intentionally disclosing a person's transgender status or history not only violates confidentiality, it may also place a trans woman at increased risk of unequal treatment, discrimination, and even violence from others.” (Munson, 2014)
- Good responses to uncomfortable questions: “We consider the personal history of all our residents to be private information. It is up to each resident to determine how much information about her past or present she chooses to share, if any.” and “It is not appropriate or acceptable to ask about another resident’s body, genitals, or medical history.”
- A trans survivor's shared room assignment in an all-gender shelter should be based on the self-identification of their gender and not on their surgical status (body) or documentation markers (name or gender on driver's license).
 - Advocates should always check in with a trans survivor about any safety or privacy concerns before deciding what room to place them in.
- For many women of trans history, makeup is not an optional accessory, but something that helps define them as women and allows them to present their body in alignment with their female gender identity. Agencies should consider assisting trans folks in shelter with procuring makeup and other specialized toiletries that may be needed, such as wigs, breast forms (prostheses intended to simulate breasts), or breast binders (a specialized garment used to flatten breasts).
- Shelter administrators and staff should consider incorporating room dividers or dividing curtains to afford more privacy between beds in shared rooms where residents may be undressing.



Confidentiality about a client's transgender identity or history is akin to confidentiality about a person's medical information. If you wouldn't share someone's medical status or information about their body, do not share about someone's transgender status.



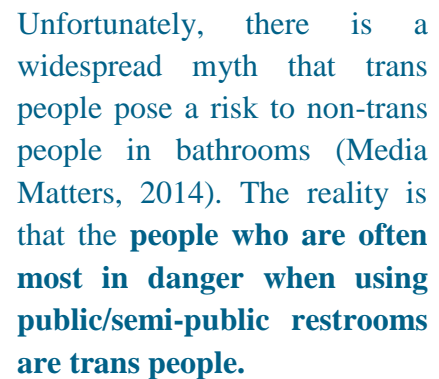
Shelters cannot turn away trans survivors from services just because another shelter resident may be uncomfortable with their gender identity or presentation.

Dividers should be placed in all shared rooms, so that all residents are treated equally.

- More than 65% of the 1,005 transgender respondents to a 2011 FORGE study (Munson & Cook-Daniels, 2011) said that they viewed the availability of

gender-neutral bathrooms as "important," "very important," or "extremely important" in deciding whether to access professional services (including shelter).

- Consider ways in which bathroom access can be made more private for all residents, such as locks, stalls, and curtains.
- Many shelters receive donations of toiletries, clothes and other supplies. When requesting donations, overtly ask for larger sized women's clothes and smaller men's clothing, breast binders, wigs, and other items trans folks may need.
- Shelters should have clear policies on how to handle bias, harassment, discrimination and violence. These policies should be in writing and all staff should receive training to become familiar with the policies and to be able to enforce/uphold them.
 - These policies should specifically cover both sexual orientation and gender identity.
 - Nondiscrimination policies should be visibly posted in the shelter and/or a copy given to every resident so that each person is aware that discrimination is not accepted.



Unfortunately, there is a widespread myth that trans people pose a risk to non-trans people in bathrooms (Media Matters, 2014). The reality is that the **people who are often most in danger when using public/semi-public restrooms are trans people.**

Intervening in Biased or Discriminatory Behavior

When working with survivors who may have bias against or lack understanding of transgender individuals, it can be helpful to focus on their commonalities to diffuse tense situations and reduce biased comments/behavior. For example, both individuals are in shelter because they need safety and a place to live. Interactions to resolve biased behavior do not necessarily need to be lengthy or punitive. Responding promptly to biased behavior, having a dialogue with each person involved, and coming to an agreement around future expected behavior can often be enough to stop the cycle of disrespectful or abusive behavior.

There is no single way to challenge inappropriate behavior but these are tips:

- Be Ready – You know at some point you will hear or see something that is inappropriate or discriminatory. Prepare yourself for it and ask questions instead of making accusations.
 - “Why do you say that?”
 - “Do you really mean what you just said?”
- Don't punish or blame – calmly correct.
 - “Carol is a woman, the appropriate pronoun to use for her is ‘she.’”
- Intervene Appropriately- As an advocate you are responsible for setting the right tone. Consider when/how you challenge.



- Do you challenge there and then, or quietly at a later date?
- What will be most effective for the person involved/for those witnessing the incident?
- Assess whether it is appropriate to have the conversation in public or behind closed doors.
- Reflect and reframe- do not repeat insults or abusive speech, but reflect the overarching message that was conveyed to help the offender hear what they have said.
 - “So, what I hear you saying is that all immigrants should be punished? Is that right?”
- Appeal to Principles – Call on a person’s higher principles.
 - “I’ve always thought you were fair-minded. It shocks me to hear you say something so biased.”
- Set Limits- You can’t control the behavior of clients but you can make them aware of what you will not accept.
 - “Don’t tell racist jokes or use that language in shelter. Everyone has the right to feel safe here.”
 - “What you just said was disrespectful.”
 - “At [ORGANIZATION], we don’t accept discrimination.”

Just as important as having clear nondiscrimination policies and procedures is actually modeling respectful behavior towards lgbtq+ individuals in all aspects of your organization. When staff and residents treat each other with kindness, compassion and respect, others will generally mirror those behaviors, which results in an environment that cultivates wholeness. There needs to be a commitment from the very top to create an environment in which everyone is respected and feels secure enough to bring in all parts of themselves. *(Munson, 2014)*



You will find model policies on inclusion and non-discrimination for both clients and staff in Section 3 of this manual, on pages 180 and 214.



The Basics for Working with LGBTQ+ Clients; A Review

1. Assess your agency. Train all staff in cultural and gender competence. Make sure that your agency's environment, media, and materials are inclusive.
2. Collaborate with local LGBTQ and ally organizations.
3. Foster diversity on your staff and board.
4. Examine your own internal biases.
5. Use inclusive forms and create clear policies.
6. Reflect client language. Don't ignore the importance of using the right pronouns; don't ignore when others use incorrect pronouns. Respect an individual's identity and use the terms that someone uses for themselves.
7. Listen, believe, and ask only questions relevant to providing complete services.
8. Lack of disclosure about transgender status shouldn't be taken as a sign of non-compliance, deceit, or denial.
9. Just because a client is 'out' to you, doesn't mean they're 'out' to everyone. Talk to someone before disclosing their sexual or gender identity, even to other staff.
10. Not all trans people have the same relationship to their bodies. Some may literally hate parts (or all) of their body, while others have no underlying body dysphoria and simply claim an identity that differs from what other people think it should be
11. Communicate inclusion. You can easily do this by using diverse examples with your clients, asking broad, open-ended questions, and using non-gendered language.
12. Be bold and creative. Problem-solve with and for your client, so that your client can access the services they need, and in a way that is respectful and not re-traumatizing.
13. Treat people as individuals and don't expect a single person to represent an entire community.

(For more see Practical Tips for Working With Transgender Survivors of Sexual Violence, Forge, 2008; The Network/La Red)

Resources:

Transgender Individuals' Knowledge of and Willingness to Use Sexual Assault Programs, Munson, M. & Cook-Daniels, L., 2011

Sheltering Transgender Women: Providing Welcoming Services; Technical Assistance Guidance, Munson, 2014, http://vawnet.org/sites/default/files/materials/files/2016-09/NRCDDV_TAG-TransWomenShelter-Sept2014.pdf

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Practical Tips for Working With Transgender Survivors of Sexual Violence, Forge, 2008, https://avp.org/wp-content/uploads/2017/04/2008_FORGE_Tips_Working_with_Trans_SV_Survivors.pdf

Information for Domestic Violence Providers about: LGBTQ Partner Abuse, The Network/La Red, https://avp.org/wp-content/uploads/2017/04/2010_TNLR_Partner_Abuse_Handout_for_Providers.pdf

Challenging Discrimination, <http://www.faculty.londondeanery.ac.uk/e-learning/diversity-equal-opportunities-and-human-rights/challenging-discrimination-in-the-teaching-context>

Bystander Intervention in Discrimination, <http://stepupprogram.org/topics/discrimination/>