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# APPENDIX M

## SAN FRANCISCO HUMAN RIGHTS COMMISSION ANNOUNCES FINDINGS AND RECOMMENDATIONS ON DISCRIMINATION AGAINST TRANSGENDERED PEOPLE

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City and County of San Francisco

Human Rights Commission

Office of Minority/Women Business Enterprise  
Office of Contract Compliance  
Office of Dispute Resolution



NEWS RELEASE

Edwin M. Lee  
Director

October 31, 1994  
FOR IMMEDIATE RELEASE  
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### HUMAN RIGHTS COMMISSION ANNOUNCES FINDINGS AND RECOMMENDATIONS ON DISCRIMINATION AGAINST TRANSGENDERED PEOPLE

The San Francisco Human Rights Commission announced today its Findings and Recommendations based on the landmark public hearing held May 12, 1994 investigating discrimination against transgendered people. The Findings and Recommendations have been sent to the Board of Supervisors and Mayor Frank Jordan for their consideration in prohibiting such discrimination.

The public hearing was held to provide a forum for experts and citizens to describe how discrimination occurs in City departments, private companies and agencies and social service and medical providers. Speakers also suggested remedies, especially stressing the need for legislation amending the City's Human Rights Ordinances to include "Gender Identity" as a protected class.

(more)



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The 27 Findings announced today by the Human Rights Commission include:

- That San Francisco has a history of refusing to tolerate discrimination, yet those in the Transgender Community still suffer severe discrimination in employment, housing, public accommodations, medical treatment, insurance coverage, Social Services and are often the targets of hate violence.
- That transgendered persons are present in every demographic group: every race, every class, every culture, every sexual orientation, and every epoch of recorded history includes evidence of the existence of transgendered persons.
- That some transgendered persons may be driven to suicide in response to the severe discrimination they may face on a daily basis.

The 30 Recommendations announced today by the HRC include:

- That the City and County of San Francisco develop and enact legislation granting specific human rights protections to persons who are transgendered.
- That the Police, Sheriff's, and other City departments train their employees in sensitivity toward transgendered persons.
- That employees, businesses, and agencies formulate policy to ensure the dignity, privacy, and equal treatment of transgendered employees, customers, and clients.
- That insurance companies, beginning with the City Plan for City employees, provide coverage for transitional treatments and gender reassignment surgery.

HRC Director Edwin Lee said, "I am delighted that San Francisco has begun taking steps to ensure that the basic human rights of the Transgender Community are protected, and we are very pleased that the Human Rights Commission is playing a central role in eliminating discrimination in San Francisco."

The complete Report, including the Findings and Recommendations (Chapter Four), is attached. Please contact Larry Brinkin at 252-2510 for more information.

**INVESTIGATION INTO DISCRIMINATION AGAINST  
TRANSGENDERED PEOPLE**

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**A Report by the Human Rights Commission**

**City and County of San Francisco**

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**September, 1994**

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## **Preface**

The public hearing and this report resulted from allegations of discriminatory treatment in employment, hiring practices, housing, public accommodation, and child custody based on gender identity throughout San Francisco, and the absence of law or statute to facilitate redress.

This report, the culmination of over nine months of effort, is a compilation of material, testimony, and data submitted by community organizations, business owners, civil servants, individuals, and research done by staff. All of those who testified, submitted written materials, and offered commentary added much to this report and its recommendations. Every attempt has been made to accurately reflect the information submitted.

The Human Rights Commission gave this project priority by holding the public hearings and providing the oversight policy decisions to ensure proper balance and representation. The Commissioners participating were: Lucille Abrahamson, Chair; Mary Gomez Daddio, Vice-chair; Gloria R. Davis, Katheryn Fong, Sharon Gadberry, May P. Jaber, Jeanette Gandionco Lazam, Calvin Y. Louie, James Haskell Mayo II, Resa Peay-Wainwright, and Earl Rynerson, of whom Commissioners Abrahamson, Daddio, Davis, Fong, Jaber, Lazam, and Rynerson attended the public hearing. Members of the Human Rights Commission staff—Acting Coordinator Larry Brinkin, and Representatives Brian Cheu and Cynthia Goldstein—performed the tasks of formulating, advertising, coordinating, directing, and holding the public hearing; identifying, contacting, meeting with and notifying individuals, organizations, City officials, agencies, businesses, community groups and the media; collecting, analyzing, and evaluating data and public testimony; reviewing and commenting on the successive drafts of this report. Staff will also implement the Commission's recommendations. The staff would especially like to thank intern Edward Kaufman for providing invaluable assistance organizing the public hearing, and also intern Rachel Meny for her excellent research. Special recognition goes to Jamison "James" Green, writer, gender diversity consultant, and director of FTM International, who authored this report under the direction of Larry Brinkin.

Special acknowledgment is also due to the present and former members of the Lesbian Gay Bisexual Transgender Advisory Committee of the Human Rights Commission: Mark Baldwin, Virginia Benavidez, Jim Bolig, Brian Cheu, Vincent Crisostomo, Viva Delgado, Liz Dunn, Lani Ka'ahumanu, Carol Kleinmaier, Nancy Koch, Commissioner Jeanette Lazam (Chair), Randy Miller, Adele Morrison, Muriel Parenteau, Terry Person, Commissioner Earl Rynerson (Vice-chair), S. Jean-Paul Samaha, Tara Shannon, Wally Sherwood, Gloria Soliz, M. J. Talbot, Juan Tam, Rachel Timoner, Kiki Whitlock, and Lawrence Wong (former Vice-chair). Particular recognition also goes to the Transgender Task Force chaired by Kiki Whitlock, to the members of ETVC, FTM International, Transgender Nation, the many contributors who participated but who wish to remain anonymous, and to Mae J. Chu (court reporter).

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## Summary

Reports of harassment, violence, denial of services, and unfair treatment against transgendered individuals in the areas of employment, housing and public accommodation have been discussed in local media, and more than 40 complaints have been brought to the attention of the Human Rights Commission over the past six years. These complaints have been referred to the Lesbian/Gay and AIDS/HIV Unit of the Commission, which has endeavored to mediate without benefit of law, and without fully understanding the situation of transgendered individuals.

Sometimes the mere presence of a transgendered person is enough to evoke violence in people who are prejudiced against them. Sometimes when a transgendered person seeks help from social service agencies, no help is available. Sometimes when a transgendered person gathers the courage to acknowledge his or her situation, that person may be found suddenly unqualified for the position he or she had held for years. Sometimes the discrimination is more subtle, such as when the transgendered person is made to understand that if anyone were to find out about her or him, the consequences would be devastating. For the thousands of people living transgendered lives in San Francisco, the pressure of this adverse treatment has become too much to bear.

In spring 1993, the Lesbian/Gay/Bisexual Advisory Committee of the Human Rights Commission seated Kiki Whitlock as the first self-identified transgendered member. The Committee then organized the Transgender Task Force as a sub-committee chaired by Ms. Whitlock, and charged it with coordinating educational presentations. Over a period of eight months, representatives of the transgender community gave a series of presentations to the Committee. These presentations demonstrated to the Committee the diversity and depth of the transgender community, and the extent of the discrimination affecting it. On February 24, 1994, the Commission voted to amend the Advisory Committee's name to add the word Transgender, and also voted to hold a public hearing to investigate discrimination against the Transgender Community.

The public hearing, held May 12, 1994, was attended by Commissioners Abrahamson, Daddio, Davis, Fong, Jaber, Lazam, and Rynerson, Commission Director Lee, Robert Oakes representing the Office of Mayor Frank Jordan, Supervisors Terence Hallinan and Kevin Shelley, and representatives of the City Attorney's Office, the Human Resources Department, Department of Public Health, Department of Social Services, Police Department and Sheriff's Department. The purpose of the hearing was to investigate the extent of discrimination against the transgender community and to permit the community at large to air its views regarding the need for protective legislation to alleviate the victimization and exploitation of transgendered people.

The public hearing was organized into eight segments:

**1. Introduction**—in which the City officials were recognized and the attendees acknowledged. Commissioners Abrahamson and Lazam and Robert Oakes each noted

that it is the goal of this City to eliminate discrimination and prejudice and to provide all citizens with equal justice and equal opportunity, noting where there is an injury to one there is an injury to all. Also, Kiki Whitlock, Chair of the Transgender Task Force of the Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC), introduced the concept of Transgender, in which one's anatomical sex usually does not match one's gender identity. She noted that discrimination against a person for being gay, lesbian, or bisexual in San Francisco is against the law because sexual orientation is a protected class. However, transgendered people are not protected.

**2. Overview**—in which Kathy Jones defined gender identity, and differentiated it from sexual orientation: Gender Identity is that hard to define sense of being male or female that is usually in accord with but sometimes opposed to physical anatomy. There is no agreement on how gender identity is formed, but most current theories say that gender identity is formed *in utero*.

Legal Intern Edward Kaufman gave a report on legislation protecting gender identity or transgendered people in other jurisdictions: Minneapolis covered transgendered people under the term "affectional preference" which is a protected class in Minneapolis's 1974 Civil Rights Ordinance. That definition of "affectional preference" includes individuals having a projected self-image not associated with one's biological maleness or femaleness. Under this ordinance, the administrative agency established for this purpose has investigated over 200 affectional preference claims of discrimination. In 1986, the City of Seattle extended the definition of sexual orientation to include transgendered individuals under legislation that considers sexual orientation a protected class. Numerous complaints have been investigated and mediated there through Seattle's Human Rights Commission. The State of Minnesota enacted legislation in August, 1993, to protect transgendered individuals under "sexual orientation," defined as having or perceived as having a self-image not traditionally associated with one's biological maleness or femaleness. And in Santa Cruz, California, legislation was passed in 1992 protecting transgendered individuals under the definition of "gender," which explicitly includes persons who are known or seen to be transgendered; no cases have been brought under this legislation, perhaps due to the lack of an administrative agency to help process the claims.

Thalia Gravel, Max Wolf Valerio, and Luanna Rodgers spoke about the history of the transgender community, about its diversity and richness, and about the intensity of the prejudice and discrimination against its members. Ms. Rodgers, a psychotherapist, noted that "Modern psychological thought no longer deals with transgender feelings and behavior as pathological. Modern social thought has not caught up with this view. ... The problem isn't inherent to their gender identity—it rests with society's response to it. We need relief from transgender-phobia just as we need relief from homophobia, sexism, and racism."

**3. Cases of Discrimination**—in which twelve speakers described actual experiences of discrimination in employment, housing, public accommodations and business practices, medical services, social services, and treatment by the police. One speaker also described the horror of being subjected to abusive psychiatric treatment as a transgendered child. HRC staff member Larry Brinkin provided an overview of discrimination cases based on his experience of having processed 40 complaints in

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employment and public accommodation over five and one half years. He noted that the complaints in the employment arena have been of every kind: failure to hire, failure to promote, on the job harassment, failure to provide reasonable accommodation for medical needs, and termination. In the area of public accommodation, transgendered complainants have told him "of being asked to leave stores and restaurants, of being ignored in them. Many clients of City departments have told me of rude treatment at best and no treatment at all in some cases when they had sought services from the City. ... I have also had complaints from transgendered prisoners and arrestees who have experienced problems with police and sheriff's personnel. The most heartbreaking case I've had was Michelle...a medical technician named Michael for 12 years, (who) won numerous awards and commendations. When she began her transition from male to female and started hormone treatment and wearing female clothing and make-up, she was harassed by co-workers and supervisors. Her boss told her she was a sinner and that God hates perverts, and she was terminated. I did some processing of Michelle's complaint and was preparing for an investigation. One day I called her at home. Her sister answered and said that Michelle had committed suicide." Mr. Brinkin dedicated his remarks during the hearing "to Michelle, who courageously fought back as long as she could."

**4. City and County Agencies**—in which representatives from the Department of Social Services, Department of Public Health, Department of Human Resources, the Police Department and the Sheriff's Department stated their commitment to equal justice, treatment and access for transgendered people, and admitted that there was ignorance and some hostility throughout various agencies. Each representative stated his or her agency's intention to improve with the help and recommendations of the Human Rights Commission. Police Sergeant Stephan Thome was introduced and spoke of his great relief knowing that as a transsexual City employee his job was protected under Proposition L. He urged the Commission to recommend legislation that would protect all people in San Francisco.

**5. Services and Organizations**—in which thirteen speakers acquainted the audience with the services and organizations that directly serve the transgender community, some of which originated within the transgender community, and many of which are sensitive and responsive social, religious, medical, gay and lesbian organizations which have readily recognized the needs of the transgendered population.

**6. Transgender Communities of Color**—in which transgendered individuals from the African-American, Latino/Latina, Asian/Pacific Islander, and Native American communities explained what it was like for them to live with multiple-minority status.

**7. Youth and Families**—in which speakers appealed to the Commission on behalf of transgendered youth, and of families of transgendered persons who suffer as much as transgendered people when their loved ones are abused, harassed or discriminated against.

**8. Public Testimony**—in which 28 private individuals urged the Commission to recommend legislation that would protect them or their friends and associates who were transgendered. Written testimony was received from 14 people; only two of the

written statements opposed the idea of legislation to protect transgendered people.

Based upon evidence so gathered, the Commission announced its findings and recommendations on August 11, 1994. It concluded that while San Francisco has a history of refusing to tolerate discrimination, such discrimination does exist in practice, affecting persons who are transgendered; that existing laws and policies often undermine the dignity and privacy of, and do not include protections for, transgendered persons; that transgendered persons are subject to severe discrimination in employment, housing, and public accommodations; that transgendered persons have experienced harassment by members of the San Francisco Police and Sheriff's Departments; that transgendered persons have experienced great difficulty in obtaining medical and social services from hospitals, public health agencies, rape crisis centers, battered women's shelters, homeless shelters, and other organizations in San Francisco; that the news and entertainment media tend to perpetuate stereotypes in their coverage or treatment of transgendered persons and issues, and the ill-informed biases expressed in these media then become a sanction perpetuating discrimination.

The Commission recommended, in part, that the City enact legislation amending the City's Human Rights Ordinance to add "gender identity" as a protected class with the intention of granting specific human rights protections to persons who are or are perceived as transgendered or transsexual, and empower the Human Rights Commission to serve as the administrative agency to investigate and mediate claims that arise; that insurance companies acknowledge that transsexualism is a medical condition for which medical treatment is warranted and for which insurance coverage should be available, and that the City Plan be amended to serve as a model; that transgender sensitivity trainings be offered throughout the City departments, public service agencies, and businesses in the private sector to demystify the subjects of transsexualism and transgender experience and ensure that transgendered people are treated with the dignity and respect they deserve as citizens of, employees in, and visitors to San Francisco.

**Edward Patterson, member of the Lesbian, Gay and Bisexual Substance Abuse Task Force of Community Substance Abuse Services**

Mr. Patterson said that three months ago his task force formed a team of representatives from the transgender community to develop protocol to insure that transgendered people would receive adequate substance abuse services in the city's drug and alcohol treatment centers. Because providers did not know how to accommodate someone who doesn't meet their gender identity expectations, transgendered people were not getting equitable treatment. When they do get into the system they are often mistreated, misdiagnosed or merely tolerated.

No numbers are available on how many transgendered people seek treatment. Intake forms report male-to-female transsexuals only, keeping female-to-males invisible and out of reach.

Mr. Patterson cited the case of a male-to-female who managed to get through a residential treatment program and now works in the recovery community as proof that solutions can be found. He stressed the need for education and training for staff and clients.

He offered the resources of the task force to the Commission.



**Susan Stryker, representing the International Conference on Transgender Law and Employment Policy, Houston, Texas**

Ms. Stryker said that anyone may attend the annual conferences sponsored by her organization. These conferences address legal matters and public policy regarding transgendered individuals, and have become a networking hub for transgender activities around the world. They address employment, health care, human rights, civil rights, incarceration, family law, military law, personal identification, and civil disobedience. In each of these areas, said Ms. Stryker, transgendered people are subject to unequal treatment.

The conference has determined that:

- Retaining current employment or securing new employment during transition or after disclosure is the single biggest obstacle faced by transgendered people. Outlawing employment discrimination would reduce the number of transgendered people seeking public assistance or social services.
- Most transgendered people who identify as transsexual feel a need to alter their bodies surgically or hormonally, but these procedures aren't usually covered by insurance. They must, said Ms. Stryker, be included in health care reform.
- Ms. Stryker said that transgendered people have no guarantee of civil rights at any federal or state level anywhere in the United States. Title IX has been interpreted by federal courts as not pertaining to discrimination based on transgender status.
- Confining incarcerated pre-operative transsexuals with members of their former gender based on anatomy puts them in physical danger, and makes them more

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vulnerable to rape by other inmates and guards.

- Transgendered people are often unable to obtain identity papers with their new gender status, and therefore face disclosure and discrimination.
- Family law judges consider transgendered individuals less fit to parent. Transgender status is considered grounds for divorce and sometimes prevents individuals from marrying.
- Armed services medical regulations explicitly forbid post-operative transsexuals from entering the military. Disclosure of transgender status almost always results in discharge.
- Cross-dressing is usually considered evidence of homosexuality.

Commissioner Lazam questioned Ms. Stryker as to state protection of transgendered people, noting that a previous speaker had said that there is such protection in Minnesota.

Ms. Stryker said that to her knowledge there is no protection at the state level, although there is a municipal code in Minneapolis.

**Sue Kuyper, Director of Crisis Line Services, Women, Inc.**

Women, Inc. is an agency that serves battered women. Ms. Kuyper said that the battered women's movement has from its inception recognized a need for self-monitoring so as not to exclude any group from receiving services. She pointed out that isolation is a tactic used by batterers as a means of control, so when any victim is deemed invisible by society, the consequences can be severe.

Ms. Kuyper said that the number of women who have identified themselves as transgendered on the hotline and in support groups is small, and that she suspects such women are not revealing themselves for fear of repercussions.

She urged the Commission to pass legislation that will protect transgendered people from violence and discrimination, and said that her agency is ready to help create services for the transgender community.

**Jelousy, Volunteer Coordinator, Brothers Network**

The Brothers Network is an HIV agency that teaches safer sex and risk reduction, and has a program that provides education around transgender issues. Jelousy urged the Commission to pass legislation in order to empower transgendered people so they will actively seek housing and employment without fear of being discriminated against.

Commissioner Fong asked if the Brothers Network focuses primarily on African-Americans. Jelousy replied that it focuses on African-American gay, bisexual and transgendered people.

Commissioner Fong asked if individuals who use the organization say they experience another level of discrimination due to being both African-American and

## Chapter 4—Findings and Recommendations

This Chapter lists the findings and recommendations of the San Francisco Human Rights Commission as derived from the preceding public testimony.

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### Findings

The Human Rights Commission, having conducted a public hearing on May 12, 1994, to investigate discrimination against the Transgender Community, and having considered verbal and written testimony, hereby finds:

1. That the City and County of San Francisco, by legislation, policy and practice, has consistently valued diversity and tolerance and has worked to eradicate discrimination based on prejudice in employment, housing, and public accommodations.
2. That the term Transgender is used as an umbrella term that includes male and female cross dressers, transvestites, female and male impersonators, pre-operative and post-operative transsexuals, and transsexuals who choose not to have genital reconstruction, and all persons whose perceived gender or anatomic sex may conflict with their gender expression, such as masculine-appearing women and feminine-appearing men.
3. That gender identity is different from sexual orientation, and sexual orientation discrimination ordinances do not protect transgendered persons. Gender identity is the deeply felt knowledge of an individual that he or she is male or female; in transgendered persons, the gender identity and the anatomic sex may not be in alignment. Sexual orientation is not an indicator of gender identity: for example, a male-bodied person who is attracted to men and has a male gender identity is not considered transgendered; a male-bodied man who is attracted to women and who has a female gender identity which is expressed through cross-dressing and/or the desire to live full-time as a woman, is considered transgendered. It is the expression of gender identity that results in discrimination because that expression is perceived as conflicting with the expectations placed upon the individual solely because of the form of his or her body, particularly the genitals.
4. That actual and legal discrimination do currently exist in the City and County of San Francisco with regard to gender presentation and transgender or transsexual status or identity.

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5. That existing laws and policies often undermine the dignity and privacy of, and do not include protections for, transgendered persons. The sovereign dignity of the individual and his or her right to privacy are cornerstones of American values.
  
6. That there are no accurate statistics reflecting the demographics of the transgendered population, but informal surveys of the membership of local transgender organizations and of local community service agencies indicate that there are approximately 6000 transgendered individuals in San Francisco. This number is increased substantially by including persons who may be perceived as transgendered and may therefore experience adverse discrimination.
  
7. That transgendered persons are present in every demographic group: every race, every class, every culture, every sexual orientation, and every epoch of recorded history includes evidence of the existence of transgendered persons.
  
8. That in the current social climate, persons who are perceived to be transgendered are considered by some as less than human and therefore assumed to be fair game for objectification, violence, and discrimination. Hate violence is perpetrated against transgendered persons as much as, if not more than, any other group.
  
9. That the efforts of the Human Rights Commission to address complaints involving transgendered persons are seriously hampered by lack of legislation to support and protect the basic human rights of transgendered persons. In some cases, the Commission has been successful in mediating resolution, but without the force of law the power of the Commission to compel humane treatment is severely limited.
  
10. That some transgendered persons may be driven to suicide in response to the severe discrimination they may face on a daily basis.
  
11. That many members of the transgender community are afraid to testify at public hearings for fear of retribution against themselves or their families, especially for fear of loss of employment and loss of child custody.
  
12. That transgendered persons are subject to severe discrimination in employment, housing and public accommodations.
  
13. That transgendered persons have experienced harassment by members of the San Francisco Police Department and the Sheriff's Department, and that it is possible that crimes against transgendered persons have not always been taken seriously by these

agencies.

14. That transgendered persons have experienced great difficulty in obtaining medical and social services from hospitals, public health agencies, rape crisis centers, battered women's shelters, homeless shelters, and other organizations in San Francisco. Many of these providers treat transgendered patients and clients with great reluctance, sometimes pointedly harassing them and embarrassing them in waiting rooms, or condoning harassing behavior on the part of other patients and clients.

15. That representatives of some City and County agencies admit their employees are not uniformly educated about or sensitive to the needs of transgendered persons.

16. That the transgender community is often aligned with the Lesbian/Gay/Bisexual community, but still experiences discrimination within the Lesbian/Gay/Bisexual community and its institutions.

17. That both the news media and entertainment media tend to perpetuate stereotypes in their coverage or treatment of transgendered persons and issues. The ill-informed biases expressed in the media then become a sanction perpetuating discrimination.

18. That some transgendered women who are raped, battered, homeless, or otherwise in need of services, as well as transgendered men who require medical attention for female anatomy, are frequently denied services from women's support agencies based on their transgender status or identity. While some agencies providing services for women are working to educate themselves with respect to the transgender community and to combat the internal prejudices that lead to denial of services to the transgendered community, the Commission finds that greater effort must be made to eliminate discrimination based on transgender status or identity.

19. That transgendered youth frequently are unable to find sources of support for their difference. Feminine boys are often harassed and tortured by their peers and by their parents. Masculine girls are usually teased and/or ignored. Both boys and girls are called queer and left alone to traverse the difficult terrain between gender identity and sexual orientation. With no language to talk about their feelings, no social support, and little (if any) education about sex and gender, transgendered youth are at high risk for attempting suicide, being rejected by family or peers, becoming runaways, becoming subject to medical incarceration, getting stuck on the bottom rungs of the economic and social ladder in this society. One agency in San Francisco reported receiving nearly 2000 calls in the past year from transgendered or gender-questioning youth. These youth express deep isolation, the desire to connect with other youth who share their feelings, and a desperate need to escape harassment, abuse and rejection because of

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who they are. The demand for transgender services is roughly 20% of the total demand for youth services at this agency which serves lesbian, gay, bisexual, and transgendered youth. This indicates that comprehensive gender-issues-related social services are necessary for the community-at-large.

20. That once an individual is labeled with the medical diagnosis transsexualism, insurance companies discriminate against them by excluding them from coverage for the necessary treatments and procedures and for any complications or conditions that may arise from these treatments and procedures.

21. That the economic hardship imposed on some transgendered (particularly male-to-female transsexual) persons due to discrimination in employment and in medical and insurance services frequently forces them to live in poverty or to turn to sex work to survive.

22. That the wives, partners, husbands, children, and other loved ones of transgendered people feel the intolerance and harassment shown by people out of ignorance just as deeply as does the transgendered person. They fear for their own safety and security as well as for that of the transgendered person they love and on whom they may depend economically.

23. That transgendered parents live with an often debilitating fear of the loss of custody or contact with their children, and may in fact lose that custody or contact solely because of prejudice. There is no evidence to show that transgendered persons as a class are not fit parents. This discrimination is arbitrary and may unnecessarily damage the relationship between parent and child.

24. That legislation to protect the transgendered community has been enacted in other locations: Minneapolis in 1974, Seattle in 1986, Santa Cruz in 1992, and Minnesota in 1993.

25. That Proposition L did give protection to the employees of the San Francisco City and County government against discrimination based on gender identity. Since Proposition L was passed in 1993 by a vote of the People of San Francisco, it is their will to protect transgendered persons.

26. That professionals who may serve the transgendered may also become stigmatized by their peers for their association with the transgendered community, and this stigmatization, or fear of it, often prevents attorneys, physicians, nurses, psychotherapists, etc., from treating or serving transgendered patients or clients.

Attorneys, in particular, are reluctant to advocate on behalf of transsexuals whose surgical treatment has gone awry.

27. That the Human Rights Commission needs to work actively with employers, businesses, non-profit organizations, and public agencies to educate them as to the validity of the transgender experience and the value of cultural diversity in the area of gender, and to lead the way in demonstrating how the myths and prejudices surrounding the transgender community can be broken down to reveal the human beings who are struggling for their civil rights.

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## **Recommendations**

1. That the City and County of San Francisco develop and enact legislation amending the City's Human Rights Ordinances to add "gender identity" as a protected class with the intention of granting specific human rights protection to persons who are transgendered, and empower the Human Rights Commission to serve as the administrative agency to investigate and mediate discrimination claims that arise.
  
2. That the City and County of San Francisco budget for a position with the Human Rights Commission for the purpose of coordinating education and investigating and mediating claims, and that outreach be done to the transgender community in the hiring process for this position to ensure that transgendered applicants are considered.
  
3. That the Human Rights Commission ensure that its staff is adequately trained in transgender issues to enable them to perform transgender sensitivity trainings in San Francisco and to investigate and mediate discrimination claims.
  
4. That the Human Rights Commission produce and distribute information and resource materials for transgendered persons, their families, and their associates concerning their legal and civil rights.
  
5. That the Human Rights Commission serve as a clearing house for the general public and the media to contact for information regarding transgender education and human rights.
  
6. That the City and County of San Francisco conduct sensitivity training for its employees to demystify the subject of transgender experience and prepare both management and front-line employees to appropriately handle situations that may arise involving transgendered persons or the reactions of others to them.
  
7. That employees of the City and County of San Francisco are made to understand that discrimination against transgendered people is grounds for disciplinary action.
  
8. That the San Francisco Police and Sheriff's Departments conduct transgender sensitivity training for all personnel to ensure that transgendered persons are treated with respect, that their complaints are taken seriously and acted upon with reasonable dispatch, that if a transgendered person is detained or incarcerated he or she is housed in a manner which is consistent with the individual's gender identity, that his or her prescribed medication is provided, and that if the transgendered person's safety is

compromised or at risk, he or she will be immediately protected and not subject to any physical or psychological harm perpetrated by other inmates or officers. Transgendered persons should have the right to be placed in protective custody upon request.

9. That the San Francisco Police and Sheriff's Departments use terminology that is appropriate to an individual's gender identity on departmental forms and police reports, and refrain from insulting or compromising the privacy and dignity of persons who may have physical anomalies. It is respectful to ask a person whose gender identity is in question which gender they prefer; it is not respectful to ask "What are you?," or to make assumptions and enter descriptions of physical anomalies as part of a report, except when such anomalies are material to an investigation.

10. That the Office of Citizen Complaints conduct transgender sensitivity training for its personnel for the purpose of improving relations with the transgender community and improving the Office's ability to comprehend and process complaints filed by transgendered persons.

11. That the Department of Social Services conduct transgender sensitivity training for its personnel to ensure that transgendered persons are treated with respect, that their complaints are taken seriously and acted upon with reasonable dispatch, that their fitness as parents is not judged solely on the basis of prejudice against transgendered persons, and that transgendered clients do not endure physical or psychological abuse in the process of obtaining services.

12. That arbitrary gender-specific dress codes should not be imposed where they are not necessary: Employers approached by employees who are undergoing a gender transition should assist the employee by accepting their gender identity as expressed by their clothing and helping other employees to understand the transition process. In such instances in which there is a reasonable requirement for a dress code or for specific gender separation in facilities (such as locker-room dressing areas, etc.) then reasonable accommodations should be made so that the transgendered person's dignity and privacy are preserved, and the concerns of others are also considered. All of the parties should work cooperatively to address the issue.

13. That employers, businesses, and public agencies not restrict the access of transgendered persons to public restroom facilities that are appropriate to the person's gender identity. Like anyone else, transgendered persons using restroom facilities are primarily concerned with relieving and grooming themselves, and with ensuring their own personal safety.

14. That the Department of Public Health conduct transgender sensitivity training for all

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personnel to ensure that transgendered persons are treated with respect and dignity, that their complaints are taken seriously and acted upon with reasonable dispatch, that their physical health needs are not overlooked due to prejudice against transgendered persons, that transgendered clients and patients do not endure physical or psychological abuse in the process of obtaining services.

15. That the Department of Public Health continue to conduct inservice trainings covering the treatments, medications, procedures, and new medical, social, and psychological developments with respect to the transgendered community.
  
16. That medical service providers, including hospitals, clinics, and private practitioners, ensure that they and their support staff are adequately trained to handle transgendered patients, to protect their health, and to ensure that their programs eliminate all unnecessary forced disclosure of transgender status as a requirement for receipt of services, to ensure that transgendered persons are not disqualified from receiving services based upon transgender status or identity, or upon perceived transgender status or identity, and to ensure that transgendered persons are treated with dignity and respect regardless of what surgery or treatments they have had or have not had.
  
17. That the Department of Public Health and all other medical service providers refrain from treating transgendered patients and clients as if they are "on display" or otherwise objectify them or subject them to dehumanizing treatment, preserving the client or patient's dignity, privacy and confidentiality, and that they also require employees and contractors to comply with this non-discrimination policy.
  
18. That the Department of Human Resources ensure that its investigators are trained in transgender issues, publicize to City and County employees the rights of transgendered persons, and ensure that transgendered persons are not disqualified from employment, or discriminated against by any City agency, based upon transgender status or identity, or upon perceived transgender status or identity.
  
19. That the administrators of homeless shelters, battered women's shelters, substance abuse treatment programs, rape crisis centers, and other providers of social services in San Francisco ensure that their staff is trained in transgender sensitivity, that their program eliminates forced disclosure of transgender status as a requirement for receipt of services, and ensure that transgendered persons are not disqualified from receiving services based upon transgender status or identity, or upon perceived transgender status or identity.
  
20. That private employers in San Francisco add "gender identity" to their lists of protected classes and provide sensitivity trainings, institute hiring outreach to the

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transgendered community by advertising in local transgender community publications, and ensure that their transgendered employees, customers, and clients are treated with respect.

21. That the Lesbian, Gay, and Bisexual communities educate themselves concerning transgender issues and experience, and encourage their political clubs to more actively fight for transgender rights, and that Lesbian, Gay, and Bisexual businesses and organizations affirmatively encourage the participation of transgendered employees, clients and members.

22. That the transgender community continue and strengthen its efforts to educate others with respect to gender identity and its distinction from sexual orientation, and with respect to the empowering inclusivity that is uniquely the province of the transgendered.

23. That philanthropic and grant-making organizations and individuals consider funding transgender-related projects and social services.

24. That insurance companies acknowledge that transsexualism is a medical condition for which medical treatment is warranted and for which insurance coverage should be available. To serve as a model for other insurance carriers, the Commission recommends that the Health Services System Board modify the City Plan to cover transsexual treatment and procedures.

25. That while the Commission does not intend to recommend that all transgendered persons be regarded as disabled, the Commission does recommend that if a transgendered person does become disabled, for instance as the result of transsexual-related treatment or procedures, or for any other reason, that treatment for the resulting condition should be covered under the Americans with Disabilities Act, and the Commission recommends that the City lobby Congress and the State Legislature to amend federal and State disability laws accordingly.

26. That the District Attorney budget an increased amount for Community United Against Violence (CUAV) to enable its administrators to hire additional staff to provide outreach, education, and client services involving transgendered persons.

27. That public and private school administrators ensure that the condition of being transgendered is presented as another aspect of human biology that occurs naturally throughout society, and provide support services and/or referrals to transgendered and questioning youth so they do not have to suffer in isolation.

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28. That professionals serving transgendered persons should be held to their professional ethics: it is one thing to avoid transgendered clients because of lack of expertise --it is discrimination to avoid them because of aversion to their condition. For example, attorneys should represent transgendered persons as they would anyone else, by seeking appropriate damages as they would in any other case in which the client has suffered injury. The Commission therefore also recommends that any State board or licensing agencies take the appropriate measures to prohibit discrimination against transgendered persons as patients or clients and as members of the associations.

29. That while there is a presumption of confidentiality by insurance companies, physicians, therapists, counselors, and social service agencies, etc., because of the potential consequences of involuntary disclosure of an individual's transgendered status it is doubly important that persons who are privy to such information about a client or patient should respect the privacy and confidentiality of transgendered persons and must not use knowledge of an individual's transgendered status to harm or control her or him.

30. That transgendered persons should not have to be certified by medical, psychological, or other service providers in order to enjoy the rights and privileges of society.

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