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Abstract:

It may seem as if colleges and universities across the United States support lesbian, gay, bisexual, transgender, and queer (LGBTQ) faculty, staff, and students. After all, the employer database of the Human Rights Campaign, using self-reported data, identifies 567 colleges and universities offering protection against discrimination, including 96 that protect against discrimination based on gender identity or expression and 309 that provide healthcare benefits to same-sex domestic partners. Other institutions offer nondiscrimination in admissions and university-sponsored housing and protection from harassment as well as "soft benefits," such as library and exercise facility use, ID cards, health-insurance coverage, and reduced tuition for partners; inclusive tenure and family leave policies; student programming; and gender-neutral bathrooms. But the institutions listed by the Human Rights Campaign make up less than 8 percent of the more than four thousand accredited institutions of higher education in the United States. Placing these data in a wider universe, then, complicates first-glance optimism. In 2007, the American Association of University Professors' (AAUP's) Committee on Sexual Diversity and Gender Identity recognized that a focused empirical study of success stories could offer role models and strategies to the 92 percent of schools not yet on the LGBTQ-friendly list. In this article, the author summarizes the findings from a study of successful efforts to secure policies that do not discriminate against lesbian and gay employees on college campuses. *Harvesting the Grapevine: Collecting LGBTQ Success Stories to Change Campus Policies*, a project of the AAUP's Committee on Sexual Diversity and Gender Identity, was made possible through the generous support of the Arcus Foundation, the Small Change Foundation, and the Gill Foundation.

Creating LGBTQ-Friendly Campuses

How activists on a number of campuses eliminated discriminatory policies.

This article reports the findings of *Harvesting the Grapevine: Collecting LGBTQ Success Stories to Change Campus Policies*, a project of the AAUP's Committee on Sexual Diversity and Gender Identity that was made possible through the generous support of the Arcus Foundation, the Small Change Foundation, and the Gill Foundation. Lori Messinger, an associate professor of social work at the University of Kansas and the author of this article, led the project's research team.

It may seem as if colleges and universities across the United States support lesbian, gay, bisexual, transgender, and queer (LGBTQ) faculty, staff, and students.

After all, the employer database of the Human Rights Campaign, using self-reported data, identifies 567 colleges and universities offering protection against discrimination, including 96 that protect against discrimination based on gender identity or expression and 309 that provide healthcare benefits to same-sex domestic partners. Other institutions offer nondiscrimination in admissions and university-sponsored housing and protection from harassment as well as "soft benefits," such as library and exercise facility use, ID cards, health-insurance coverage, and reduced tuition for partners; inclusive tenure and family leave policies; student programming; and gender-neutral bathrooms.

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In 2007, the AAUP's Committee on Sexual Diversity and Gender Identity recognized that a focused empirical study of success stories could offer role models and strategies to the 92 percent of schools not yet on the LGBTQ-friendly list. The committee obtained funding from the Arcus Foundation, the Small Change Foundation, and the Gill Foundation to conduct interviews with faculty and staff members, administrators, and students at twenty schools that had, within the last eight years, adopted same-sex domestic partner health benefits policies, employment nondiscrimination policies addressing sexual orientation and gender expression, or other LGBTQ-supportive policies.

Choosing only twenty schools allowed us to conduct in-depth conversations. The sample pool included public, private secular, and religiously affiliated schools from different regions and different Carnegie categories (see table 1). Because most schools with LGBTQ-supportive policies are secular, predominantly white, and located on the West Coast or in the Northeast, we decided to over-sample religiously affiliated institutions, historically black colleges and universities (HBCUs), and institutions in the South and Midwest. Participants were promised anonymity--neither individuals nor institutions are identified in this article.

Who Initiated Change?

At most of the sampled institutions, those who sought new policies were lesbian, gay, bisexual, and transgender faculty, staff, and students: those most affected by discrimination. For example, a lesbian who was promised domestic partner benefits upon her appointment found that only "soft benefits" like access to the library and recreational facilities were included--not health benefits. She advocated for partner health benefits within the university. When those efforts did not work, she took the public university to court. At another institution, a student who sought to get gender identity and expression "on the radar," according to a faculty member interviewed, made common cause with a newly formed diversity council: "I sort of told him who to talk [to], who else to talk to, who to send letters to, knowing that when this stuff comes from students it's very powerful." The change in the school's nondiscrimination policy covered everyone employed or enrolled.

"Straight" allies also initiated change. Many were rank-and-file faculty or professional staff members with ties to advocacy organizations. These included student-services staff members, faculty and staff members serving on diversity or women's issues committees, and faculty and students in women's studies or social work programs. Senior administrators, most of whom were not identified as LGBTQ, led by raising issues, calling for policy reviews, or unilaterally changing policies.

Models for Advocacy

One size does not fit all. The specifics of the institution (governance, policy change processes, local culture), along with the specific policy in question, shaped the successful strategies.

Formal shared governance approaches. Larger, public institutions frequently draw upon faculty, staff, and students to change policy; LGBTQ policies are no exception. Advocates formed committees, investigated the social climate, and researched policy options before making recommendations, processes often taking years and surviving multiple leadership changes. Their outreach extended to a variety of public campus groups to raise awareness and offer programming through events and the media; advocates also used personal relationships with administrators and boards to explore options for change. Advocates in the shared governance model worked through union leadership, benefits committees located in various governance bodies, and, in the case of one religiously affiliated school, with legal counsel (to determine that the addition of sexual orientation to the nondiscrimination policy would not have unintended consequences for the school).

Informal approaches involving key administrators. Smaller, private institutions tend to approach policy change less formally than public ones. They rely more on idiosyncratic personal connections and discussions, with change often coming from one or more key administrators. At HBCUs, in particular, decisions were likely to be made informally and policies adopted quietly. One HBCU added domestic partner benefits after LGBTQ faculty and staff members approached the provost, who asked the president, who unilaterally extended the benefits. Likewise, this school added sexual orientation to its nondiscrimination policy when a grant came from a foundation that required the inclusive language. The president made the change and notified the human resources department. No announcement was made to the faculty or staff, the policies are not displayed on its Web site, and the school is not listed in the Human Rights Campaign's database as one with LGBTQ-inclusive nondiscrimination policies or domestic partner health benefits. At another, larger institution, a senior human resources staff member worked with the president to make changes to benefits; because the board of trustees does not routinely approve such changes, trustees were quietly apprised of changes at each step but were not formally consulted.

Adversarial approaches. At only one of the schools surveyed, a state institution, did advocates use adversarial strategies. This institution was characterized by faculty and student mistrust of the administration and governing body. Advocates tried to use local human rights ordinances to demand domestic partner benefits. The

strategy backfired; it led to a statewide law allowing public institutions to disregard local human rights ordinances. Faculty and staff members created informal committees and students went on a hunger strike; a lawsuit was filed and governing board members' businesses were picketed. Most advocates said legal force was not an effective strategy since federal law does not protect sexual orientation or gender expression.

Factors That Hinder Change

When we spoke to faculty and staff advocates about barriers to LGBTQ-supportive policies, they differentiated between practical roadblocks raised by decision makers and the emotional components behind the practical questions.

Most often, administrators and governing boards raised practical concerns about the financial and political aspects of policies. With same-sex domestic partner benefits, advocates were asked whether they would raise health-insurance costs--especially whether employees and partners with HIV and AIDS could cause all employee premiums to rise. Administrators and human resources staff wanted to know how to define "same-sex partner" in the absence of legal documentation and how to process payments through payroll. Non-discrimination clauses for sexual orientation or gender identity raised concerns about how changes would reflect on the reputation of the school, especially for religious institutions.

Advocates believe many concerns reflected decision makers' ignorance of issues facing LGBTQ faculty, staff, and students; attitudes of internalized homophobia and transphobia; and opposition based on moral, religious, or political grounds. Logical argument did not always carry the day, as some decision makers reacted with fear, anger, disgust, or antipathy. Nor was resistance always active; sometimes it was displayed as a lack of will to work for change.

Another problem was the advocates' own frustration and resignation. Students, particularly, were impatient with the slow pace of policy change; many would graduate before policies for which they had fought were enacted. Some LGBTQ advocates and allies quit their home campuses, especially those who felt unsupported or even attacked there. One advocate said that an openly gay faculty member who had been at the forefront of policy discussions at the college was the target of antigay slurs. He left the university just as the LGBTQ-supportive policy was enacted.

Factors That Promote Change

So, what made some institutions successful in their efforts to change policies? Foremost was senior leadership change, especially in the "top job." A new president or chancellor was often a potential ally who brought new ideas, experience with LGBTQ-supportive policies at a former institution, or a willingness to make changes. An advocate at one school recalled that immediately after a new president was appointed, the president called him and asked,

"I'm reading this thing about [domestic partner] health benefits. ... What's happened with that?" And I said, "Nothing." He said, "I want you in my office this week...." And he was hell-bent on getting some of these things funded.... He said, "What can we do for you?" And I said, "First thing we need is an LGBT coordinator." He says, "Oh, we can do that." This is after years of nothing. And then we made a list of similar things, and he said, "Yes."

Advocates at several schools, large and small, noted that administrative changes at the highest levels--the board of trustees, the president or chancellor, the provost, or the head of human resources--facilitated policy change.

Adoption of LGBTQ-supportive policies by regional competitor institutions or local government also helped. Regional peers' actions provided political cover as well as inspiration for policy change on the home campus. Advocates asked faculty and staff groups, campus media, and administrators, "If they can do it, why can't we?" In a similar vein, two institutions used the rationale of their city governments' adoption of nondiscrimination policies to enact their own changes. Each saw itself as a regional employer, and each wanted to be seen as having policies that were congruent with local standards.

A person of academic stature who departs, taking money or goodwill along, can be very effective in making trustees take notice of the need for policy change on LGBTQ issues. At larger institutions, if someone takes along large research grants, an immediate rationale for policy change emerges. At smaller institutions, the loss of beloved and respected faculty and staff members also provides inspiration for governing bodies to reconsider policy changes.

Finally, grantors or local government regulations can prompt policy changes. Several institutions had pursued foundation funds for research and student-services projects only to find out that these funds were contingent on having LGBTQ-inclusive nondiscrimination policies. Because they wanted the funds, administrators worked quickly to change the institutions' policies.

Recommendations

What should you do if you want LGBTQ-supportive policies at your college or university? The most important lesson offered by interviewees was to be prepared. One advocate noted, "I had [a proposal] ready, because I was studying what are the best ways to word those agreements since we don't have legalized marriage. I had to find contracts or ways that universities document that you really are domestic partners."

Each long-time advocate interviewed had worked to gather briefings, benchmark studies, samples of model policies, stories from people who needed these policies, and other data. Advocates stressed the importance of putting together a strong case for the need for policy change, along with samples of policies from other colleges and universities. Preparation can also create a network of colleagues to support policy advocacy (and one another) over time.

Advocates suggested choosing language carefully to push for domestic partner benefits, especially at politically conservative religious institutions and HBCUs. Some religious schools have used the "plus one" approach: employees may add any adult living with them to their insurance--an elderly parent, an unemployed sibling, or a same-sex partner. "Plus one" is easier to sell to conservative or religious trustees and alumni and has been successful at public institutions in states such as Michigan and Kentucky, which have constitutional amendments that make same-sex domestic partner benefits illegal.

But getting policy approved is only half of the battle; the second half is properly implementing it. Implementation of health-insurance benefits was stymied at one institution that was not self-insured and, thus, needed to find an outside insurer. One administrator noted, "We ran a request for proposals [for health-insurance vendors]. ... And we got zero, none, not one vendor to respond. The primary reasons--some of them would not stand up and say this--but they were very concerned about retribution, if they were to offer this benefit ... mainly from the state."

Another school switched health-care vendors for financial reasons during the summer. The new insurer did not cover domestic partner benefits. Those who had domestic partners were notified by telephone that they had to find new coverage on such short notice that the college eventually agreed to cover the cost of the domestic partners through an independent policy. The lesson here is to obtain a guarantee from administrators that health-care benefits will be provided no matter which insurer the school selects.

Implementation problems arise from within the institution, with staff attitudes and confidentiality concerns. One human resources manager at a religiously affiliated school had to reprimand the staff and explain that, while staff members might have personal feelings or religious objections to a policy, they needed to refrain from public discussions of their objections to the policy. Human resources staff members also needed to create practices that helped maintain the confidentiality of employees who were registering as same-sex couples. To maintain this confidentiality, the staff members keep the domestic partnership affidavits apart from the personnel file, just as they do with medical information.

Yet another implementation issue for domestic partner benefits is the software programmed to distribute benefits conceptualized for legal-marriage tax models (since employees pay federal tax on their partners' benefits as "compensation"). At one school, the data management system was simply unable to record all of the relevant information related to such benefits. Changes have been made to the latest version of the database software to simplify recording domestic partners for insurance purposes.

Advocates also need to make sure that new policies are communicated broadly so that LGBTQ faculty, staff, and students can benefit from them. One advocate reported that, two years after a policy had been changed to allow stopping a

professor's tenure clock so she could take care of her partner's biological newborn, "we had a department chair and an associate dean of [the] college of arts and sciences [who] did not know about the policy.... I think we made many of the changes that needed to be changed, but people don't know about it. The administrators don't know about it, those mid-level administrators [who] can really make or break a person's career."

Securing Supportive Policies

Members of the AAUP's Committee on Sexual Diversity and Gender Identity are now working on an action guide for faculty and staff members who want secure LGBTQsupportive policies. They are also providing one-to-one consultation about policy change processes. Contact Charles H. Ford, chair of the committee, at chford@nsu.edu if you would like to be placed in touch with someone who can offer support and strategic ideas to create these policies on your own campus or if you would like to be such a contact person yourself.

Table 1 Characteristics of Profiled Institutions

Legend for Chart:

- A - Location
- B - Student body size
- C - Carnegie classification(*)
- D - Public/private
- E - Religious/secular
- F - HBCU
- G - Nondiscrimination policy includes sexual orientation
- H - Nondiscrimination policy includes gender identity or expression
- I - Same-sex domestic partner benefits offered

A	B D	C E	F	G	H	I
South	> 20,000 public	RU/VH secular		x		x
South	1,000-5,000 private	Bac/A&S secular	x	x		x
South	5,000-10,000 private	DRU religious		x		x
South	10,000-20,000 private	DRU religious		x		x
South	5,000-10,000 private	RU/H secular		x		x
South	1,000-5,000 private	Bac/A&S secular		x		x
Northeast	> 20,000 public	RU/VH secular		x		x

Northeast	> 20,000 public	RU/VH secular		x	x	
Northeast	5,000-10,000 private	Master's/L religious		x		x
Northeast	5,000-10,000 private	RU/VH secular		x	x	x
Northeast	1,000-5,000 public	Master's/M secular	x	x		
Midwest	> 20,000 public	RU/VH secular				x
Midwest	1,000-5,000 private	Bac/Diverse religious	x	x		
Midwest	1,000-5,000 private	Master's/M secular		x		x
Midwest	< 1,000 private	Assoc/Priv secular	x	x	x	
Midwest	10,000-20,000 public	Assoc/PubRL secular		x	x	
Midwest	> 20,000 public	RU/H secular		x	x	
West	1,000-5,000 public	Master's/S secular		x	x	x
West	1,000-5,000 private	Master's/M religious		x		x
West	1,000-5,000 private	Bac/A&S secular		x		x

(*) These labels are taken from the Carnegie Foundation's classification system. RU/VH: research universities (very high research activity); RU/H: research universities (high research activity); DRU: doctoral/research universities; Master's/L: master's colleges and universities (larger programs); Master's/M: master's colleges and universities (medium-sized programs); Master's/S: master's colleges and universities (smaller programs); Bac/A&S: baccalaureate colleges -- arts and sciences; Bac/Diverse: baccalaureate colleges -- diverse fields; Assoc/PubRL: associate's -- public rural-serving large institutions; Assoc/Priv: associate's -- private.

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By Lori Messinger



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