

## LGBTQ+ Rights

January 2022

AAUW advocates freedom in definition of self and family, including protection from discrimination and a guarantee of civil rights for all family structures, and vigorous enforcement of and full access to civil and constitutional rights.

For far too long, the civil rights protections guaranteed to millions of Americans have been denied to those who identify as LGBTQ+ (lesbian, gay, bisexual, transgender and queer). No one should be denied the full range of civil rights and liberties due to their sexual orientation or gender identity. Such rights and liberties include freedom from discrimination in schools and the workplace, the guarantee of spousal/partner benefits—including the ability to care for dependent children—and the ability to serve one’s country in uniform, among others. Unless and until LGBTQ+ people are able to enjoy the same rights and freedoms as their fellow Americans, the nation’s promise of equal justice under law will remain unfulfilled.

### AAUW in Action

All public policy actions take direction from the AAUW [Public Policy Priorities](#), voted on by members every two years. AAUW is a nonpartisan organization—but nonpartisan does not mean “non-political”. Since its first meeting in 1881, AAUW has been a catalyst for change. Together, through our coordinated and strategic advocacy, we’ve enacted invaluable legislation at the federal, state, and local levels. The 2021-2023 Public Policy priorities directly identify advocating freedom from violence and fear of violence in workplaces and beyond.

The public policy team engages in many efforts on this key issue, including but not limited to:

- Working in coalition with other gender equity and civil rights organizations, including the Leadership Conference on Civil and Human Rights’ Education and Employment [task forces](#).
- Mobilizing AAUW advocates and members through targeted calls to action on important legislation, like the [Equality Act](#).
- Engaging directly with elected leaders and the public through calls, [letters](#) to political offices, and comments and testimonies in hearings.
- Providing voter education resources on key equity issues to consider during elections and offering information on how elected officials have voted in the past (more about this and Get Out the Vote guides at the [AAUW Action Fund](#)).

### Major Strides for Equity

More than [three in four Americans](#) are supportive of broad nondiscrimination protections for LGBTQ+ people. There have been major legislative victories over the past several decades, including the 2010 vote to overturn the “Don’t Ask, Don’t Tell” policy that prohibited lesbian and gay members of the military from serving openly. The landmark 2015 U.S. Supreme Court ruling in [Obergefell v. Hodges](#), which made clear that LGBTQ+ people cannot be denied the right to marry, marked a significant victory for equality. And in 2020, the Supreme Court held in [Bostock v. Clayton County](#) that Title VII of the Civil Rights Act of 1964 [prohibits](#) employment discrimination on the basis of sexual orientation and gender identity—an important clarification of workplace protections for LGBTQ+ employees. Yet even with this progress, there is still much to be done to ensure that LGBTQ+ people are afforded equal treatment and equal rights in all areas of daily life.

### Economic Security

While the Supreme Court ruled that workers are [protected](#) from employment discrimination on the basis of sexual orientation and gender identity, state and local laws are inconsistent and workplace protections for LGBTQ+ workers are not sufficiently uniform and robust. There are approximately [8.1 million](#) LGBT workers ages 16 and older in the U.S. An estimated [3.9 million](#) of them live in the [28 states](#) without statutes prohibiting sexual orientation and gender identity discrimination in employment.

Lesbian, gay, and bisexual people are [significantly more likely](#) than their heterosexual peers to report employment discrimination, such as being fired from or denied a job, being denied a promotion, or receiving a negative evaluation. LGBT people of color are also more likely than white LGBT colleagues to experience workplace discrimination – 36% of LGBT employees of color [reported](#) verbal harassment in 2021 compared to 25% of white LGBT employees that same year. More than three-fourths of transgender people have experienced [workplace discrimi-](#)

[nation](#) because of their gender identity, which significantly harms their [economic security](#). Discrimination, including discrimination based on cultural norms and gender stereotypes, persists, leaving many LGBTQ+ workers without recourse if they face [pay discrimination](#) or other forms of workplace discrimination.

## Education

Nearly [2 million](#) students ages 15 and older, and countless more under the age of 15, live in states without statutory protections against sexual orientation and gender identity discrimination at school. For LGBTQ+ students, going to school often includes experiencing bullying and harassment on a regular basis, which impacts their ability to access education and [harms](#) their health and wellbeing. In 2019, around seven in ten LGBTQ students [experienced](#) verbal harassment at school based on sexual orientation, and more than half experienced harassment based on gender expression or gender. AAUW's own [research](#) also found that students in grades 7–12 are often targeted for failing to follow norms that are typical for their gender.

The U.S. Department of Education's Office of Civil Rights has [interpreted](#) Title IX of the Education Amendments of 1972 to prohibit discrimination in education on the basis of sexual orientation and gender identity, protecting LGBTQI+ students in schools. However, with a patchwork of federal court rulings and state and local laws, students are often left without a solution when they are bullied or harassed at school based on their sexual orientation or gender identity.

## Discrimination in Public Accommodations

LGBTQ+ people face discrimination in many aspects of daily life, and current state laws provide limited protections. Only [21 states and Washington, D.C.](#) provide explicit protections prohibiting discrimination based on sexual orientation and gender identity in public accommodations such as restaurants, hotels, or public restrooms. An estimated [6.5 million](#) LGBT people, ages 13 and older, live in states without statutes prohibiting sexual orientation and gender identity discrimination in public accommodations.

## The Equality Act

Current federal law does not prohibit sex discrimination, including discrimination based on sexual orientation and gender identity, in public spaces or in all federally-funded programs. A uniform federal solution is needed to close these gaps in existing nondiscrimination law.

The [Equality Act](#) would make clear that discrimination on the basis of gender identity or sexual orientation is a form of sex discrimination and is unlawful. Specifically, the Equality Act provides clear protections for LGBTQ+ people across a number of areas including employment, housing, credit, education, public spaces and services, federally-funded programs, and jury service. The Equality Act would also update the spaces considered public accommodations, extending current civil rights protections against discrimination based on sex, race, religion, and national origin to more places important in our everyday lives.

On February 18, 2021, the Equality Act [passed](#) the U.S. House of Representatives with bipartisan support. The legislation now moves onto the Senate—urge your Senators to support this vital update to our nation's anti-discrimination laws [here](#).

## Additional Resources

[Two-Minute Activist: Pass the Equality Act](#)

American Association of University Women (AAUW)

[Statement in Support of the Equality Act](#)

Equal Rights Advocates

[Discrimination Legislation State Maps](#)

Human Rights Campaign

[Open Letter Supporting Trans Women and Girls](#)

GLAAD