



Peer Violence and Bullying Against Transgender and Gender Nonconforming Youth

Submission to the United States Commission on Civil Rights – May 2011

The National Center for Transgender Equality (NCTE) is pleased to submit this written testimony to the U.S. Commission on Civil Rights in aid of the Commission’s upcoming hearing on “Peer-to-Peer Violence and Bullying: Examining the Federal Response.” NCTE is a national social justice organization devoted to ending discrimination and violence against transgender people through education and advocacy on national issues of importance to transgender people. By empowering transgender people and our allies to educate and influence policymakers and others, NCTE facilitates a strong and clear voice for transgender equality in our nation’s capital and around the country. Our submission focuses on existing social science research documenting the scope and prevalence of peer violence and bullying against transgender and gender nonconforming youth, and the devastating effects of this abuse on youths’ health, well-being, and educational and economic success. We thank and commend the Commission for making peer violence and bullying the focus of its 2011 statutory enforcement project.

Understanding transgender and gender nonconforming youth

All people, including young people, have a gender identity – a deeply rooted sense of themselves as male or female. Gender identity is distinct from sexual orientation, but like sexual orientation is a fundamental part of a person’s identity that cannot be voluntarily changed. For transgender youth, their innate gender identity differs from the gender they were assigned at birth. Many know from an early age that their assigned gender is simply not who they are. For example, a transgender girl identifies and presents herself as female, though she was assigned male at birth; a transgender boy identifies and presents himself as male, though he was assigned female at birth. Like any other girl, transgender girls express their gender identity through their clothing, hairstyles, mannerisms, and the name they choose to go by; the same is true of transgender boys. Many, but not all, transgender youth have the support and understanding of their parents and families. Yet transgender youths’ identities are often flatly rejected by both peers and adults around them, as a result of which they face often severe and unrelenting harassment and violence, particularly in schools.

Other young people experience a gradual process of understanding and expressing their gender identity. These youths’ expression of their developing gender identities often does not conform to gender stereotypes. Like transgender-identified youth, they may or may not identify as lesbian, gay or bisexual. Like transgender youth, these gender nonconforming youth face pervasive harassment and violence from peers that often goes unaddressed or tacitly accepted by adults.

Transgender and gender nonconforming youth, like other young people, want to succeed. Like their peers, they have the potential to be tomorrow’s leaders. Yet these young people face

enormous barriers to learning and success. Transgender and gender nonconforming youth are growing up in a society where stigma, discrimination and violence against people like themselves are pervasive. In 2008 and 2009, NCTE collaborated with the National Gay & Lesbian Task Force to conduct the National Transgender Discrimination Survey (Grant et al. 2011), the largest and most comprehensive survey to date of transgender and gender nonconforming people in the United States. Data from the survey, which included 6,436 adults from every U.S. states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands, confirmed the findings of smaller regional surveys and NCTE's understanding from extensive community contacts over the years – that discrimination and violence against transgender and gender nonconforming people are pervasive in every area of life in the United States. For example, the survey found that transgender adults regularly face experiences such as being fired (26%), denied housing (19%), refused medical care (19%), or evicted (11%) because of their gender identity.

Peer violence against transgender and gender nonconforming youth

Mounting research demonstrates that bullying and peer violence based on gender identity and gender stereotypes represent a serious, national problem, touching the lives of nearly every transgender and gender nonconforming young person in our nation.

Of transgender 6th through 12th graders around the country (n=295) who responded to the National School Climate Survey, most experienced a hostile school climate with regular harassment from peers. (Greytak, Kosciw & Diaz 2009). Results included the following:

- More than four of five transgender youth (82%) reported that they felt unsafe at school because of who they were.
- Nearly nine out of ten reported experiencing transphobic or homophobic harassment from peers, and most reported that it happened “often” or “frequently.”
- A majority of transgender students said they had been shoved, pushed, or otherwise physically harassed at school in the last year.
- Nearly half (44%) of transgender students said they’ve been punched, kicked, or injured with a weapon on at least one occasion in the last year.
- Three out of four (76%) reported that they had experienced unwanted sexual remarks or touching from peers.
- Large majorities reported both cyberbullying (62%) and the theft or destruction of their property (67%) by peers.

Transgender students were more likely to report harassment, assault and feeling unsafe than lesbian, gay and bisexual students in the same survey who were not transgender. (Kosciw et al. 2009). Other studies have also found similar high rates of harassment and physical abuse by peers among transgender and gender nonconforming youth (Grossman, D’Augelli & Salter 2006; Grossman, D’Augelli, Salter & Hubbard 2005; McGuire et al. 2010; Toomey et al. 2010; Sausa 2005).

Prevalence of peer victimization among transgender and gender nonconforming youth

| Study | Population | Sample size | Location | Verbal abuse | Physical abuse | Sexual abuse |
|-----------------------------------|---|-------------|--------------|--------------|----------------|--------------|
| Grant et al. 2011 | Trans & gender nonconforming adults (retrospective) | 1,876 | National | 76% | 35% | 11% |
| Greytak, Kosciw & Diaz 2009 | Trans youth 13-20 | 295 | National | 87% | 44% | n.d. |
| Grossman, D'Augelli & Salter 2006 | MTF trans youth 15-21 | 31 | NYC area | 87% | 35% | 16% |
| Grossman et al. 2005 | FTM trans youth 15-21 | 24 | NYC area | 71% | 17% | n.d. |
| Sausa 2005 | Trans youth 14-21 | 24 | Philadelphia | 96% | 83% | n.d. |

Transgender adults in the National Transgender Discrimination Survey (Grant et al. 2011) who had expressed themselves as a transgender or gender nonconforming person during K-12 school (n=1,876) reported high levels of abuse. Large numbers reported harassment (76%), physical assault (35%) and sexual assault (11%) by peers in school. While harassment was most common in the South (83%), levels of all forms of abuse were high in all regions of the country. All forms of abuse were high among all racial and ethnic groups, though they were highest among American Indian and multiracial respondents. Transgender girls were more likely to report having been physically assaulted (42%) or sexually assaulted (14%) by peers in school than transgender boys or gender nonconforming respondents.

In focus groups of transgender youth in the New York City metropolitan area, (Grossman and D'Augelli 2006), "Attending school was reported to be the most traumatic aspect of growing up." Youth reported that verbal and sexual harassment at school were routine experiences. One transgender girl reported that, "At school there was a lot of harassment. I could walk around minding my business, and someone would throw something at me, would call me faggot, spit at me, do this[,] do that." A transgender girl in a focus group study reported one incident that occurred when she was walking home from school on her fourteenth birthday:

These guys followed me saying that I was a gay male. I was with my friend, and they started chasing us around. They threw me in the trash. They started calling me names like homo and hit me. My friend, a guy, saved me. Well, it made me feel like, "Wow! If I have to go through this in order to live happy, I just didn't want to be alive." (Grossman et al. 2009).

Because of this and other abuse, this young woman stayed home from school for entire year and ultimately attempted suicide: “I ended up in a hospital. My dad was really upset with me until the doctors tried to explain it to him. I got a little better, and then I found [another] school.”

Transgender youth frequently report fear and anxiety about using restrooms and locker rooms at school because they had experienced harassment by both peers and adults when using them. In the National School Climate Survey, more than 55% of transgender students stated that they avoided school restrooms at least sometimes out of fear of abuse, and more than half (51.7%) stated they avoided locker rooms for the same reason. (Kosciw et al. 2009). Sausa (2005) found that transgender youth “were afraid to access school facilities and would often avoid them because they were not given any alternatives.” One transgender girl reported that “I’m afraid if I go to the bathroom I’ll get shoved, cornered, anything like that.”

In a survey of California transgender students, 82% reported hearing negative comments about their gender presentation “sometimes or often.” (McGuire et al. 2010). The researchers also conducted a series of focus groups in Western US cities, in which “[t]here was near universal agreement that schools could be an unsafe place for transgender and gender non-conforming youth.” Focus group members reported youth being “pushed around,” “getting the crap beat out of them,” and “getting their asses kicked” by peers.

Close friends and family members of transgender youth, as well as children with transgender parents, are also targeted for abuse. In the National Transgender Discrimination Survey, one respondent reported:

My sister has faced more outright discrimination for her support of me than I have. I transitioned in her last year in high school, the students verbally harassed her regularly to the point that she considered dropping out and just getting her GED. Teachers would also verbally harass her, saying things like “You will go to hell for your support of that abomination” and generally treating her unequally compared to other students.

Parents of transgender and gender nonconforming youth report fear for the safety of their children every day. In a geographically diverse interview study of supportive parents of mostly younger children (with a mean age of eight), 60% reported being afraid that harm would come to their children because of their identity or expression. (Hill & Menvielle 2009). Parents were especially afraid of the dangers that would face their children in high school. One parent related her son’s victimization in the third and fourth grade:

“This past year he was . . . called a ‘gay faggot’ and shoved down a flight of stairs at school.” In another incident someone, “wrote in a book, drew a picture of him, put his name on the picture with a gun pointed . . . to the head . . . with a sign over it saying ‘Kill [his name]. Kill [his name].’” She also reported other death threats and said “people bother him every period all day long, in the hallways.”

Seventy percent of parents in this study had developed safety strategies of some kind for their child, including discussing how to respond to teasing and navigate restrooms and advocating for support and staff development at school. On the other hand, many parents are rejecting and even

abusive toward their transgender or gender nonconforming child (Grossman, D'Augelli, Howell & Hubbard 2005), and are consequently unwilling to act to help protect them at school.

Actions of teachers and school officials

Unfortunately, teachers and school staff frequently fail to respond meaningfully to this widespread peer abuse of transgender and gender nonconforming students. In a study of transgender youth in Philadelphia (Sausa 2005), one student reported:

I was constantly running from people, because everybody wanted to fight me for some reason. I'd get off the school bus and somebody would come after me, and I would run. ... Every single day that I was in school something was thrown at me in the lunchroom. ... I can never remember a time where someone actually stopped someone from doing things, or took them aside and hugged me or nothing. No one ever, ever gave me support or nurturing....

In the National School Climate Survey, only 33% of transgender students who reported victimization to staff said that effective action was taken to address the situation. (Greytak, Kosciw & Diaz 2009). The majority had experiences like the following:

They told me to ignore it. Mostly because they themselves are against me being a gay transboy. (10th grader from Pennsylvania)

They said that I needed to stop flaunting my sexuality. (9th grader from Virginia)

The student whom I was reporting about was let off with a warning and I received more grief for telling a teacher." (9th grader from Florida)

He said he'd "take care of it" but none of the students were spoken to or dealt with. (10th grader from Missouri)

[The adults] mostly just tried to comfort me and shut me up. No real action was taken. Teachers and staff want to pacify for the most part. (11th grader from Arkansas)

Most transgender students in this survey who were victimized (54%) did not report it to teachers or staff at all.

In addition to not taking seriously reports of victimization, school administrators frequently contribute to an environment that promotes abuse by singling out transgender students for harassment and discipline related to their transgender status. Transgender students are disciplined for wearing appropriate clothes for their gender identity, for using restrooms consistent with their gender identity, and for insisting on their preferred name and personal pronouns. These inappropriate reactions from educators and administrators serve no educational purpose, are emotionally damaging for transgender youth and further erode their willingness to participate in school. Moreover, such discriminatory actions by school officials send a message that transgender students are not accepted by the school, effectively placing a target on their backs.

Unfortunately, in many cases teachers and staff also actively participate in verbal harassment and even physical abuse. More than a third of transgender students in the National School Climate Survey (39%) reported hearing biased remarks from teachers about their or other students' gender presentation "sometimes," "often" or "frequently." (Greytak, Kosciw & Diaz 2009). In the National Transgender Discrimination Survey (Grant et al. 2011), adults who had expressed themselves as transgender or gender nonconforming during K-12 school reported high levels of abuse by teachers and school staff, including harassment (31%), physical assault (5%) and sexual assault (3%). Harassment by teachers or staff was highest in the South (38%) but common in all parts of the country. Harassment by teachers or staff was highest among Latino/Latino (35%) and multiracial (42%) respondents. Physical assault was highest among American Indian and multiracial respondents (6%). Sexual assault by teachers or staff was highest among African American respondents (7%). Transgender girls were twice as likely to have been physically or sexually assaulted by teachers or staff while in school as transgender boys.

Not uncommonly, the indifference and hostility of schools to transgender youth leads to expulsion. In the National Transgender Discrimination Survey (Grant et al. 2011), 6% of respondents who had expressed themselves as transgender or gender nonconforming in K-12 school – more than 100 individuals – reported that they had been expelled from school for reasons related to their identity.

Effects of peer violence on transgender and gender nonconforming youth

As the Institute of Medicine (2011) recently found in a comprehensive review of existing research on LGBT health, "gender-based harassment and victimization clearly are a reality for transgender and gender-variant youth and are directly related to physical and emotional health outcomes." For example, Nuttbrock and colleagues (2010) conducted a New York City-based lifespan survey of 571 transgender women that examined the relationships between retrospectively reported major depression, suicidality, DSM mental disorders and gender-related abuse. The study findings showed high lifetime incidence of gender related psychological and physical abuse, and strongly suggested "that gender-related abuse *directly causes* major depression and suicidality during the adolescence of [transgender women]" (emphasis in original). A study of 528 lesbian, gay and bisexual youth in the New York City metropolitan area also found that gender nonconforming youth experienced verbal and physical abuse more frequently and at younger ages and were more likely to exhibit post-traumatic stress disorder. (D'Augelli, Grossman & Starks 2006). And in a study of gender nonconforming youth in the San Francisco Bay area (n=245), researchers found that the correlation between gender nonconformity and youth depression was fully explained by school victimization due to bias. (Toomey et al. 2010).

The severity and frequency of abuse impact both school attendance and academic performance. Greytak, Kosciw and Diaz (2009) found that nearly half of 295 transgender students had skipped a class at least once in the last month, and nearly half had also skipped an entire day of school in the last month, because they felt unsafe or uncomfortable there. Among transgender students who reported experiencing high levels of harassment, the number who had skipped a day of school in the last month climbed to 68%. Harassment was also negatively associated with

transgender students' grade point averages, and with their likelihood of stating they plan to go to college. These trends are illustrated by a transgender student from the Philadelphia area who reported regularly cutting classes or entire school days because "I never felt safe. I always felt like somebody was going to start a fight with me or something, and I just never felt safe." (Sausa 2005).

Many transgender and gender nonconforming youth are effectively forced out of school by hostile peers and adults. In Sausa's (2005) study of transgender youth in Philadelphia three-quarters of participants dropped out of school, almost all of them doing so "because of the constant acts of violence against them based on their gender identity and expression." One transgender youth reported:

I felt very unsafe ... and me being a double minority [*i.e.*, both transgender and a person of color], I felt really uncomfortable having to go to school, being called names, being picked on verbally, physically sometimes.... I left school in my second year, in tenth grade. I left because I literally had to fight my way through school....

Bullying and peer violence have impacts that continue throughout the lives of transgender and gender nonconforming youth. In the National Transgender Discrimination Survey (Grant et al. 2011), experiences of anti-transgender harassment and violence at school were correlated with a range of negative outcomes including unemployment, homelessness, incarceration, resorting to drugs and alcohol to dull the pain of abuse, and acquiring HIV. Large majorities of those who had been physically assaulted by peers (64%) and those who had been harassed (59%) or assaulted (76%) by teachers or staff had at some point attempted suicide.

Need for concerted action by schools, states and the federal government

In order to prevent bullying and violence and protect youth, we need to create a culture of respect in schools and ensure that all students are included as equal members of the school community – regardless of their gender identity, sexual orientation, religion, race, ethnicity, disability or any other personal characteristic. This will require action by local school districts as well as the state and federal governments. To be truly effective, all anti-bullying and anti-violence efforts must address the targeting of transgender and gender nonconforming youth.

Many states and communities around the country are taking action:

- A growing number of states – including Arkansas, California, Illinois, Iowa, Maryland, North Carolina, New Jersey, New York, Oregon, and Washington State – have adopted statewide anti-bullying laws that specifically direct schools to prevent and respond to victimization of students based on their gender identity.
- Ten states and the District of Columbia also have explicit statewide laws prohibiting discrimination in education on the basis of gender identity.
- Local school districts in many other states – from Connecticut to Florida to Michigan to North Carolina to Texas to Utah – have adopted transgender-inclusive policies at the local level.

- Several large and small school districts, including the San Francisco Board of Education (2004), the Los Angeles Unified School District (2005), and San Rafael City School Board (2008) in California, have adopted comprehensive district policies to ensure equal educational opportunities for transgender and gender nonconforming youth, including equal application of dress codes, restroom access, and respecting students' preferred names and pronouns.
- Many other school districts have successfully integrated and protected transgender students in all of these areas, with or without express written policies. (Brill & Pepper 2008; Luecke 2011).

While policies by themselves will not solve the problem, with them comes improved training for teachers, counselors, administrators and other staff, and greater institutional understanding and commitment to change.

Existing federal laws should be used to the fullest extent possible to address peer violence and bullying against transgender and gender nonconforming youth. Responsible federal agencies have already taken some important steps:

- The Department of Justice has used its enforcement authority under Title IX and the US Constitution to initiate and support litigation on behalf of vulnerable youth. In March 2010, for example, the Department announced a comprehensive settlement in a lawsuit brought under Title IX and the US Constitution against Mohawk Central School District in New York State after the school system failed to stop years of unrelenting victimization of a gender nonconforming student. And in August 2010, the Department filed an *amicus* brief in support of a suit under Title IX and the US Constitution by another gender nonconforming student in New York State who had suffered a similar years-long pattern of abuse.
- On October 26, 2010, the Department of Education provided clarifying to school officials in a "Dear Colleague" letter that addressed, among other important topics, the application of Title IX to gender-based harassment and violence against transgender and gender nonconforming youth.
- On December 16, 2010, the Department of Education provided a technical assistance memo for state and local policymaker highlighting the strongest examples of provisions for state anti-bullying legislation, including the enumeration of specific characteristics such as gender identity.
- In April 2011, the Department of Education, in conjunction with the Departments of Justice and Health and Human Services, hosted a National Summit on Gender-Based Violence that brought together practitioners, experts, educators and youth to discuss causes and solutions of the full spectrum of gender-based violence, including violence against transgender and gender nonconforming youth.

The federal government must step up its enforcement and technical assistance activities with respect to all vulnerable minority youth, to help ensure that schools across the country have the tools and the commitment necessary to stem this dangerous epidemic. In addition to vigorously pursuing complaints under Title IX and acting to support existing and future private litigation on

behalf of transgender and gender nonconforming students, federal agencies could take the following steps:

- Explicitly address, in guidance and/or technical assistance, protections for transgender and gender nonconforming youth under existing laws, as well as practices by schools that single out these students for negative attention or discipline.
- Develop and/or disseminate (through StopBullying.gov and other means) basic information for teachers, parents, school counselors and administrators about the identities and experiences of transgender and gender nonconforming youth.
- Incorporate reference to bullying and discrimination based on gender stereotypes and gender identity in general public education materials, including StopBullying.gov.
- Track and publicly report data on civil rights complaints involving transgender and gender nonconforming youth.

Finally, existing laws cannot adequately protect these vulnerable youth. Even growing awareness of the problem and the potential for liability under Title IX and the US Constitution will not have the transformative effect on school attitudes, policies and responses that would come with explicit and unambiguous federal commands to schools to comprehensively address peer violence and bullying in all forms, and to prevent victimization and discrimination based on gender identity and sexual orientation. Two recently reintroduced, bipartisan bills in the 112th Congress are both needed to accomplish these goals:

- The Safe Schools Improvement Act (H.R. 1648/S. 506) would require all schools and districts adopt comprehensive and effective policies for prevent, report and respond to bullying and harassment against all students.
- The Student Non-Discrimination Act (H.R. 998/S. 555) would expressly prohibit discrimination in education on the basis of gender identity and sexual orientation.

We believe that all of the above steps are essential to solving the national problem of peer violence and bullying, including the current pervasive and devastating abuse of transgender and gender nonconforming youth.

Conclusion

Transgender and gender nonconforming students are among the most vulnerable to peer violence and bullying. Mounting research shows that the targeting of these students is pervasive and affects their health, school attendance and performance, and success in adulthood. Moreover, research shows that teachers and school staff are frequently indifferent to, or even complicit in, victimization of these youth. Many educators and other adults do care deeply about these youth, however, and communities around the country are beginning to take action to protect and support them. The pace of change must accelerate greatly if transgender and gender nonconforming youth are to have an equal chance to succeed, and all levels of government have an important role to play.

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