

Where Do I Fit In?

A Snapshot of Transgender Discrimination in Iowa



**Prepared by the Rainbow Health Clinic
A University of Iowa
Law and Policy in Action Clinic**

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**George Fitting
Derek Tran
Bradyn Fairclough
Jeff Brunelle
Tom Wisniewski
Clinic Law Students**

**Len Sandler
Clinical Professor
Director, Law and Policy in Action Clinic
University of Iowa College of Law
Iowa City, Iowa 52242-1113**

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**The Rainbow Health Clinic -- a Law and Policy in Action Clinic
University of Iowa College of Law**

The Law and Policy in Action Project furnishes law students with the opportunity to partner with grassroots organizations, nonprofits, businesses and public officials to solve recurring and systemic problems that cannot be adequately addressed through litigation or traditional legal methods. The Rainbow Health Clinic was established in 2013 to assist individuals who receive or provide care and support at the UI Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Health Clinic.

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A Message from the UI LGBTQ Health Clinic

This special report was compiled over the first half of 2016 and released publicly just days after the devastating shooting at an LGBTQ nightclub, Pulse, in Orlando, Florida on June 12, 2016. This act of terror and hate took the lives of 49 people and injured 53 others in a place where many LGBTQ people go to seek community, support, and a safe space to embody their authentic selves. This report is dedicated to the victims and the families of the Orlando tragedy whose lives we celebrate and remember even as we continue to grieve.

The majority of patients that we have had the privilege of caring for at the UI LGBTQ Clinic identify as transgender or gender non-conforming. Indeed, the familiarity of national statistics pertaining to discrimination against transgender individuals combined with the personal stories of transgender patients were the impetus for creating a health care experience dedicated to providing medically competent care in a welcoming and affirming environment. Since the inception of the UI LGBTQ Clinic in October 2012 to the time of this writing in June 2016, we have cared for over 250 unique transgender and gender nonconforming individuals from across the state of Iowa and neighboring states. Our multidisciplinary team has grown to include colleagues in Pediatric Endocrinology, Family and Couple Therapy, Plastic Surgery, Urology, Gynecology, Child Psychiatry, Pharmacy, and Law. While we are proud of the access we have afforded to persons wishing to medically transition to align their bodies with their experienced and authentic gender, we are acutely aware of the discrimination our patients face with regard to a lack of insurance coverage for medication and surgical procedures necessary to treat gender dysphoria.

Included in this special report are sobering statistics and personal accounts regarding the multitude of ways transgender and gender non-conforming people experience discrimination, including experiences in health care settings. It is our sincere hope and mission that the work we do, both in patient care and in the education of current and future health care providers, will catalyze a cultural shift toward the expectation of comprehensive and affirming care for gender and sexual minority persons in the state of Iowa.

We are grateful for the partnership between our clinic and the UI College of Law Rainbow Clinic and believe the special report, "Where Do I Fit In? Snapshot of Transgender Discrimination in Iowa" will be a valuable tool that can be used by those hoping to advocate for fair and just treatment of transgender people across the state of Iowa. The report is available online at <http://law.uiowa.edu/file/where-do-i-fit-snapshot-transgender-discrimination-june-2016-public-releasepdf>

Introduction:

The Rainbow Health Clinic has partnered with the University's LGBTQ Health Clinic since 2013 to provide free consultant services, representation, technical assistance and advice to patients and clinicians on a host of medical-legal and policy issues. Our primary focus has been to ensure access to public and private health care for transgender and gender nonconforming individuals. In 2016, we began to collect personal and published accounts of discrimination encountered by transgender individuals in Iowa to inform and educate judges, lawmakers, agencies, grassroots organizations, and the public. Our task was to publish a report that also provides a legal, cultural, and historical context and includes media coverage, personal accounts by or about Iowans, and a list of Iowa laws, recently-proposed legislation, administrative agency rules, and municipal codes.

We are pleased to provide you with our special report, "Where Do I Fit In? A Snapshot of Transgender Discrimination in Iowa." This document is an informal portrait of discrimination and prejudice that transgender individuals have experienced in Iowa and elsewhere in the nation. It is not comprehensive or intended to be comprehensive; we believe that no one person or group of persons can truly or accurately capture or convey the experiences, feelings and attitudes of others. And events – neutral, positive, negative, or horrific, unfold at such a fast pace that a snapshot is all we could provide. The Des Moines Register, New York Times and other papers of record and media outlets furnish in-depth portraits and coverage.

<http://www.desmoinesregister.com/story/news/2016/06/09/transgender-iowans-trans-iowa/85496126/>

<http://www.nytimes.com/topic/subject/transgender-and-transsexuals>

To prepare the report, we conducted a literature review, and analyzed national and local surveys, statistics, reports, media accounts, websites, and legal and medical articles and scholarship. We also interviewed experts and advocates, and reached out to local, state and national organizations that champion the rights of transgender individuals or conduct empirical research. We also have included Iowa vignettes and a list of Iowa laws, municipal codes, administrative agency rules, and proposed legislation that relate to gender identity.

We conclude that transgender adults and children encounter discrimination, intolerance or prejudice in nearly every aspect of daily life in Iowa and across the U.S. Our findings are consistent with those published in "Injustice At Every Turn," a 2011 report issued by the National Center for Transgender Equality and National Gay and Lesbian Taskforce. The report is available at <http://www.transequality.org/issues/national-transgender-discrimination-survey>. Now known as the U.S. Trans Survey, the report describes the high suicide rates, homelessness, and discrimination that individuals encounter at school, in the workplace, when trying to find a place to live, during encounters with police and courts, in doctor's offices and emergency rooms, at the hands of service providers and businesses, and in other aspects of life. An updated survey is slated to be released later this year.

Our team learned that, as children, transgender students are bullied in school and often have parents and family who are unsupportive. As adults, they are denied employment opportunities, denied access to health care despite having unique physical and psychological needs, assaulted and battered, and even murdered. And in the media, transgender individuals are too often the target or focal point of coverage and commentary about divisiveness, diversity and inclusion in America.

Basic Terminology and Population Estimates:

Transgender terminology continues to evolve, and the lexicon and definitions vary based on context, purpose, and intended audience. The general public and members of the legal and

medical communities often confuse or conflate terms such as sexual orientation, gender identity, gender expression, transgender, transsexual, and gender non-conforming. Vocabulary and usage are fluid, as illustrated by glossaries published by the National Center for Transgender Equality, <http://www.transequality.org/issues/resources/transgender-terminology> Human Rights Watch, <http://www.hrc.org/resources/glossary-of-terms> and other nonprofits and advocacy organizations.

The joint guidance issued by the U.S. Department of Justice and U.S. Department of Education explains the rights of transgender students who are protected under Title IX's prohibition against sex discrimination. It uses the following terms. "Gender identity refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth. Sex assigned at birth refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth. Transgender describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth." <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

There is a dearth of accurate data and statistics about the number of transgender individuals who live in the U.S. Although there is no concrete data about the number of transgender individuals living in Iowa, the Williams Institute estimates that about 0.3% of the national population is transgender.¹ Since the Iowa population was about 3,123,899 at the time of the last U.S. Census estimate,² there could be approximately 9,372 transgender individuals living in the State.

Why are statistics so elusive? Claire Cain Miller explored this issue in the New York Times online. "The main reason is that the United States Census Bureau and other keepers of official records do not ask about gender identity. Also, gender identity can be fluid and hard to define in a multiple-choice list. There are now more than 50 gender options on Facebook, for instance...Some researchers are also concerned that the number is undercounted because of a reluctance among some transgender people to discuss it with survey takers or signify it on a government form. In a study by the National Center for Transgender Equality and the National Gay and Lesbian Task Force, 71 percent of transgender people said they hid their gender or gender transition to try to avoid discrimination." <http://www.nytimes.com/2015/06/09/upshot/the-search-for-the-best-estimate-of-the-transgender-population.html> Miller noted the Census Bureau analyzed people who most likely were transgender based on the fact that they had changed their name or sex with the Social Security Administration. It also examined census records. It was first the effort to use administrative data instead of survey data to learn more about transgender people in the United States. The paper is entitled, "The Likely Transgender Individuals in U.S. Federal Administrative Records and the 2010 Census," Benjamin Cerf Harris, U.S. Census Bureau May 2015 https://www.census.gov/srd/carra/15_03_Likely_Transgender_Individuals_in_ARs_and_2010Census.pdf

The NCTE U.S. Trans Survey and Report – Injustice at Every Turn

As noted previously, the National Center for Transgender Equality ("NCTE") and the National Gay and Lesbian Task Force ("NGLTF") conducted a nationwide survey to determine whether transgender individuals in the United States experienced discrimination in various aspects of

¹ Gary J. Gates, *How Many People Are Lesbian, Gay, Bisexual, and Transgender?* 1 (2011). In 2011, the U.S. population was 311.7 million, meaning that about 935,100 people were transgender.

² U.S. Census Bureau, *Iowa Quick Facts*, U.S. Census Bur. (July 1, 2015), <http://www.census.gov/quickfacts/table/PST045215/19>.

their daily lives, including education, employment, health, family life, housing, public accommodations, and interactions with the criminal justice system (“NCTE report”).³ *Injustice at Every Turn* reflects the survey’s findings that transgender Americans experience rejection, denial, and discrimination in almost every area of their lives. The report also presented findings for individual states if there were enough responses from people living there. As a result, Iowa did not merit a separate section; however, Iowa results were included in the results posted for the Midwest region, which are substantially similar to the national findings.

The report is the “most extensive survey of transgender discrimination ever undertaken,” and federal courts have accepted it as legal evidence of discrimination. In *Brocksmith v. United States*, the Court of Appeals for the D.C. Circuit cited the study to support its conclusion that “[t]he hostility and discrimination that transgender individuals face in our society today is well-documented.”⁴ In *Adkins v. New York*, the United States District Court for the Southern District of New York cited the report when it concluded that the persecution and discrimination of transgender individuals is “not much in debate.”⁵ Finally, in *Rumble v. Fairview Health Servs.*, the United States District Court for the District of Minnesota said that the study bolstered the plausibility of Plaintiff’s claims that he had been discriminated against by health care professionals because of his gender identity.⁶



The national picture is quite sobering. Nearly 6,500 people answered the survey questions. The numbers demonstrate that transgender individuals face discrimination and disparities in the following arenas:

Poverty: Were four times more likely than others in the general population to live in poverty, with a household income of less than \$10,000 per year.

Unemployment: Experienced twice the unemployment rate of the general population.

Workplace: 90% were harassed, discriminated against, or mistreated at work, and 47% were fired, not hired, or denied a promotion because of their gender identity.

Disclosures: 71% hid their gender identity, and 57% delayed their gender transition to avoid discrimination.

Suicide Attempts: 41% of respondents had attempted suicide, compared to just 1.6% of the general population.

³ NATIONAL CENTER FOR TRANSGENDER EQUALITY & NATIONAL GAY AND LESBIAN TASK FORCE, *INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY* (2011).

⁴ *Brocksmith v. United States*, 99 A.3d 690, 698 n.8 (D.C. Cir. 2014).

⁵ *Adkins v. City of New York*, 2015 U.S. Dist. LEXIS 154204 at *9 (S.D.N.Y. 2015) (citation omitted).

⁶ *Rumble v. Fairview Health Servs.*, 2015 U.S. Dist. LEXIS 31591 at *56–57 (D. Minn. 2015).

At School: Among those who were openly transgender or gender non-conforming while they were in grades K–12, 78% were harassed, 35% were victims of physical assault, and 12% were victims of sexual violence.

Housing: 19% were refused a home or apartment, and 19% experienced homelessness because of their gender identity.

Harassment or denial of services: 53% were verbally harassed in a place of public accommodation, and 22% were denied equal treatment by a government agency or official.

Police: 22% were harassed by the police, and 46% were uncomfortable seeking police assistance.

Medical Care: 19% were refused medical care, and 28% postponed medical care because of discrimination.

More Extreme Discrimination: 63% experienced a serious act of discrimination that had a major impact on their quality of life and ability to sustain themselves financially or emotionally, and 23% experienced a catastrophic level of discrimination of three or more such events.

Results from the Midwest region were equally alarming. The region included Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The 1,292 respondents had comparable experiences. 91% experienced harassment or mistreatment at work, and 46% were not hired because of their gender identity. Among those who were openly transgender or gender non-conforming while they were in grades K–12, 79% were harassed, 37% were victims of physical assault, and 11% were victims of sexual violence. 17% had a household income of less than \$10,000/year, compared to 4% of the general population. 15% were unemployed, compared to 7% of the general population at the time of the survey. 18% were denied a home or apartment and 18% had become homeless because of their gender identity. 19% were refused medical care and 27% postponed medical care because of discrimination. 46% attempted suicide, compared to 1.6% of the general population.

National Media and Culture

The most prominent face of the transgender community is Olympic gold medalist Caitlyn Jenner, whose transition from male to female in 2015 landed her on the cover of *Vanity Fair*.⁷ While her decision to live openly as her true self after 65 years of concealing her identity drew praise from President Obama and ESPN executives, Jenner also faced a wave of criticism. Fox News anchor Neil Cavuto held up the *Vanity Fair* cover at the end of his segment and said “Rome, final days. But that’s fine.”⁸ Journalist and film producer Elinor Burkett wrote an Op-Ed for *New York Times* accusing Jenner of masquerading as someone she could never really become.⁹ “People who haven’t lived their whole lives as women . . . shouldn’t get to define us,”

⁷ Buzz Bissinger, *Caitlyn Jenner: The Full Story*, VANITY FAIR (July 2015), <http://www.vanityfair.com/hollywood/2015/06/caitlyn-jenner-bruce-cover-annie-leibovitz>.

⁸ Marlow Stern, *Fox News’ Disgusting Caitlyn Jenner Transphobia*, DAILY BEAST (June 1, 2015, 10:58 pm), <http://www.thedailybeast.com/articles/2015/06/01/fox-news-disgusting-caitlyn-jenner-transphobia.html>.

⁹ Elinor Burkett, Op-Ed, *What Makes a Woman?*, NEW YORK TIMES (June 6, 2015), <http://www.nytimes.com/2015/06/07/opinion/sunday/what-makes-a-woman.html>.

she said. "That's something men have been doing for much too long. And as much as I recognize and endorse the right of men to throw off the mantle of maleness, they cannot stake their claim to dignity as transgender people by trampling on mine as a woman." The *New York Post* published a cover picturing Jenner with the word "She" in quotation marks.¹⁰

The conversation has already shifted from Jenner to battles over the right to use the bathroom associated with a person's gender. North Carolina made national headlines when it passed legislation in April requiring people to use the public bathrooms, showers, and locker rooms that matched the biological sex on their birth certificates.¹¹ Companies like PayPal have canceled plans to open a new global operations center in Charlotte,¹² and entertainers like Bruce Springsteen and Ringo Starr in protest canceled North Carolina performances.¹³ "I'm sorry to disappoint my fans in the area, but we need to take a stand against this hatred. Spread peace and love," Starr said. Governor Pat McCrory continues to defend the law because it "was passed to protect men women and children when they use a public restroom, shower or locker-room."¹⁴ In his eyes, transgender people pose a threat from which bathroom occupants must be protected. Seven other states—Illinois, Kansas, Massachusetts, Missouri, Mississippi, Tennessee, and Wisconsin—are considering similar legislation.¹⁵



Caitlyn Jenner



President Barack Obama



Gov. Pat McCrory

On May 13, the U.S. Departments of Justice and Education issued a letter to public schools across the country stating that discriminating against transgender students on the basis of their gender identity would be a violation of Title IX of the Education Amendments of 1972 and its

¹⁰ See generally NEW YORK POST (June 2, 2015).

¹¹ Emanuella Grinberg, *North Carolina's New Bathroom Law: Uncomfortable Encounters Have Begun*, CNN (Mar. 29, 2016, 9:55 PM), <http://www.cnn.com/2016/03/29/health/north-carolina-bathroom-law-cards>.

¹² Jon Kamp & Valerie Bauerlein, *PayPal Cancels Plan for Facility in North Carolina, Citing Transgender Law*, Wall St. J. (April 5, 2016, 7:37 PM), <http://www.wsj.com/articles/paypal-cancels-plans-for-operations-center-400-jobs-over-north-carolinas-transgender-law-1459872277>.

¹³ Daniel Kreps, *Ringo Starr Cancels North Carolina Show Over "Bathroom Bill,"* ROLLINGSTONE (April 13, 2016), <http://www.rollingstone.com/music/news/ringo-starr-cancels-north-carolina-show-over-bathroom-bill-20160413>.

¹⁴ Pat McCrory, *Gov. McCrory's Message on Legislation to Protect Privacy of NC Citizens*, McCrory Governor (Mar. 29, 2016), <http://www.patmccrory.com/2016/03/29/gov-mccrorys-message-on-legislation-to-protect-privacy-of-nc-citizens>.

¹⁵ Leah Libresco, *Seven Other States Are Considering Restricting Bathrooms for Transgender People*, FIVETHIRTYEIGHT (Apr. 6, 2016, 4:50pm), <http://fivethirtyeight.com/features/with-north-carolina-seven-other-states-are-considering-restricting-bathrooms-for-transgender-people>.

implementing regulations that prohibit discrimination on the basis of sex.¹⁶ “The Departments interpret Title IX to require that when a student or the student’s parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student’s gender identity,” the letter said.¹⁷ On the issue of bathrooms, a school may provide separate facilities on the basis of sex, but must allow students to access such facilities consistent with their gender identity.¹⁸ The letter does not have the force of law, but demonstrates the legal position of the Obama Administration with respect to this issue.

The fight is far from over. The vitriol it has inspired makes it clear that despite the progress that has been made, transgender rights have a long way to go. Former Major League Baseball star and ESPN analyst Curt Schilling posted a disparaging image on social media that reflects the bias and prejudice that exists.



He accompanied it with a statement declaring that “[a] man is a man no matter what they call themselves. I don’t care what they are, who they sleep with, men’s room was designed for the penis, women’s not so much. Now you need laws telling us differently? Pathetic.”¹⁹ The picture captures Governor McCrory’s safety concerns: a transgender person is a sexual predator and a carnival freak. When transgender people turn on the news, these are the kinds of conversations they witness.

Although the news is filled with countless examples of violence against transgender individuals, one of the first stories to gain national attention was the 1993 rape and murder of Brandon Teena, a young transgender man living in Nebraska.²⁰ On Christmas Eve, two of his acquaintances kidnapped and raped him. Brandon was eventually able to escape, and found his way to the emergency room, where the hospital conducted a rape kit. The local sheriff, who referred to Brandon as “it,” interviewed him about the crime, but the rape kit was lost and his assailants weren’t charged. On New Year’s Eve, the assailants broke into Brandon’s home and murdered him, a friend, and the woman who had taken him in. Even in death, he found no acceptance; his gravestone lists his birth name of “Teena R. Brandon” with the caption “Daughter, Sister, and Friend.” Amazingly, news outlets were still referring to Brandon as a woman over a decade later.²¹ Brandon’s story called attention to the dangers faced by

¹⁶ 20 U.S.C. §§ 1681–1688 (2016); 34 C.F.R. Pt. 106 (2016); 28 C.F.R. Pt. 54 (2016); Letter from U.S. Dept. of Justice & U.S. Dept. of Education to Colleague [public school administrators], May 13, 2016, p. 1, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

¹⁷ *Id.* at p. 2.

¹⁸ *Id.* at 3.

¹⁹ Richard Sandomir, *Curt Schilling, ESPN Analyst, Is Fired over Offensive Social Media Post*, NEW YORK TIMES (Apr. 20, 2016), http://www.nytimes.com/2016/04/21/sports/baseball/curt-schilling-is-fired-by-espn.html?_r=0.

²⁰ *20 Years After Brandon Teena’s Death, Trans Rights Still Have a Long Way to Go*, Advocate (Jan. 2, 2014, 5:13 PM), <http://www.advocate.com/politics/transgender/2014/01/02/20-years-after-brandon-teenas-death-trans-rights-still-have-long-way>.

²¹ Gabriella Messina, *Downtown: Brandon Teena’s Tragic Story*, ABC News: 20/20 (Aug. 24, 2000, 11:49 AM), <http://abcnews.go.com/2020/story?id=132702&page=1>.

transgender Americans, inspiring both a movie, *Boys Don't Cry* (1999), and a documentary, *The Brandon Teena Story* (1998).

The first *New York Times* article to use the word "transgender" was a story in 1986 about how homosexual people were leaving New York City for the anonymity of the suburbs.²² It talked about a list of restaurants and other establishments transgender individuals would use to know which businesses would accept them as customers, including some in Iowa.

Twenty-three years have passed since Teena was murdered, but it is clear that while some things have improved, transgender people still experience the same kinds of discrimination today that they did then. An article by anti-gay activist Linda Harvey offers a window into the kind of thinking transgender people encounter: "What is the problem with claiming one's authentic sex? There's one tragic explanation for such pervasive delusion: Demonic deception may be active in the lives of these people and their advocates," she said. "The next time you hear a so-called journalist or government official refer to any male like Bruce Jenner as 'she,' please scream, then blast an email to demand that truth be told."²³

Iowa in the News

In March of 2016, the body of Burlington High School student Kedarie Johnson was found in a ditch.²⁴ Johnson, a gender non-conforming teenager who sometimes wore hair extensions and called himself Kandicee, had been shot to death. "I truly believe that it was a hate crime, I do, because if it wasn't, he'd still be here," his mother said. "My son was only a child, and because of his sexuality, his life is gone." His murder is still under investigation. It wasn't the first time a transgender person was murdered in Iowa—one of the first instances was in 1976, when Richard Moore shot his wife, Terri Williams Moore, and left her body on the side of I-80 outside Newton after discovering that she was a transgender woman.²⁵

Discrimination makes headlines in other ways as well. In November of 2015, staff at the Drury Inn in West Des Moines summoned police after Meagan Taylor and a friend checked in because they were concerned about "possible prostitution activity."²⁶ Taylor and her friend are black transgender women that were in town for another friend's funeral. Taylor never made it. The police searched her and discovered that she had hormone pills without a copy of her prescription in her purse. She spent eight days in Polk County Jail—several in solitary confinement, because the jail had no transgender policy—before posting bail. When she was searched at the jail, a woman searched her upper body and a man searched her lower body. With the help of ACLU of Iowa volunteer attorneys, all charges were dropped. "As a black trans woman, I am used to unfair and discriminatory treatment, but this was extra upsetting because we were paying customers at a hotel and on our way to a funeral," Taylor said.

²² Michael Norman, *Suburbs are a Magnet to Many Homosexuals*, NEW YORK TIMES (Feb. 11, 1986) at B1.

²³ Linda Harvey, *Will We Leave Pronoun Insanity to Our Children?*, WND (Aug. 18, 2015, 7:39 PM), <http://www.wnd.com/2015/08/will-we-leave-pronoun-insanity-to-our-children>.

²⁴ Courtney Crowder, *After Kedarie: Iowa Teen's Death Leaves City Reeling*, DES MOINES REG. (Mar. 3, 2016), <http://www.desmoinesregister.com/story/life/2016/03/11/burlington-teen-kedarie-johnson/81640886>.

²⁵ *The Unwanted Bride: The Murder of Terri Williams*, TRANSAS CITY, <http://transascity.org/the-unwanted-bride-the-murder-of-terri-williams> (last visited May 15, 2016).

²⁶ Lauren Gambino, *Transgender Woman Jailed for Eight Days Sues Iowa Hotel*, GUARDIAN (Nov. 10, 2015, 4:52 PM), <http://www.theguardian.com/us-news/2015/nov/10/transgender-woman-jailed-iowa-drury-inn>.

Iowa is not above fray when it comes to the bathroom battles being fought on the national level. Jodie Jones, a transgender woman, was able to use the women's bathroom in the Johnson County Courthouse after filing a complaint with the Iowa Civil Rights Commission,²⁷ and Charlene Adams, also a transgender woman, was able to use the women's bathroom at Wes's Place in Humboldt after filing her own complaint. However, an administrative judge ruled against a third transgender woman, Jessica Smalley, who was denied the use of the women's facilities at the YMCA in Burlington.²⁸ Administrative Law Judge Farrell wrote that "[t]he Iowa Civil Rights Act cannot be interpreted so broadly to give a biological male, albeit one who identifies herself as a female, the right to change clothes with and shower in a female locker room."²⁹

Iowa Governor Terry Branstad expressed disdain for the USDOJ and USDOE guidance that would require schools to allow students to use bathrooms consistent with their gender identity. Media reported that he called the Obama administration's move "blackmail" during a press conference. <http://wqad.com/2016/05/18/branstad-calls-obamas-transgender-bathroom-policy-blackmail/>

The 2007 Amendments to the Iowa Civil Rights Act: Legislative History & Enforcement

In 2007, the Iowa legislature added gender identity and sexual orientation as prohibited bases of discrimination in the Iowa Civil Rights Act ("ICRA").³⁰ The Act defines "gender identity" as "a gender-related identity of a person, regardless of the person's assigned sex at birth," and protects people from gender identity discrimination in credit, education, employment, housing and public accommodations. That year, the Governor signed Anti-Bullying & Anti-Harassment Act of 2007, often referred to as the Safe Schools Law, which outlawed bullying and harassing behavior in schools based on gender identity and other traits.

We obtained documents from the Iowa Civil Rights Commission that were used to advocate for adding sexual orientation and gender identity to the list of protected classes.³¹ The materials reveal that the Commission was keenly aware of the many forms and types of discrimination that individuals face. It had proposed adding sexual orientation for many years, but in 2006 and 2007 specified adding transgender as its legislative priority:

"We no longer wish to see our children, neighbors, co-workers, nieces, nephews, parishioners or classmates leave Iowa so they can work, prosper, live, or go out to eat. Our friends who are gay or lesbian know the fear and pain of hurtful remarks, harassment, attacks, loss of jobs or housing simply because of their sexual orientation or gender identity. . . . Iowans throughout the state deserve equal protection under the law."

Public reaction was mixed. On one side, there were fears that the legislation would require public school teachers to include discussions on sexual orientation and gender identity in sex education class, allow cross-dressers to be teachers, "violate the morals" of the YMCA and Boy Scouts of America, and even allow spouses to get out of alimony by transitioning. A particularly prescient topic discussed was the issue of whether people would be able to use bathrooms

²⁷ Jason Clayworth, *Restroom Battles Emerge in Transgender Rights Cases*, DES MOINES REG. (Oct. 27, 2013), <http://www.usatoday.com/story/news/nation/2013/10/27/transgender-rights-bathroom-battles/3282141>.

²⁸ *Smalley v. Burlington Area Community YMCA & YWCA*, DIA No. 12ICRC004 (2012).

²⁹ *Id.* at 12.

³⁰ Iowa Code § 216.2, 216.5, 216.6, 216.6A, 216.7, 216.8, 216.9, 216.10, 216.12, 216.12A (2016).

³¹ ICRC Communications, on file with the University of Iowa Law and Policy in Action Clinic.

associated with their gender. "Transgender people pose no special risk to others who are using a restroom," the commission concluded. "Legitimate safety concerns need to, of course, be addressed regardless of who poses them. . . . However, we should not let legitimate safety concerns become a proxy for bias and prejudice against transgender people." There were numerous statements, letters and emails from individuals, organizations and Iowa-domiciled corporations praising the legislation as much-needed progress towards a more inclusive Iowa. "We believe that safe and welcoming workplaces and communities should be the rule—not the exception," wrote W. Kim Austen, President of Allied Insurance. "We believe all citizens have a right to live and work in an environment that is free from discrimination and harassment," wrote J. Michael Earley, President and CEO of Bankers Trust.

The ICRC has received an average of 41 complaints of gender identity discrimination per year since 2010. The annual reports indicate whether the complaints were for housing or non-housing, but do not break them down further.

Fiscal Year	Number of Complaints
2010	13 (0 in housing)
2011	14 (3 in housing)
2012	42 (2 in housing)
2013	53 (4 in housing)
2014	44 (1 in housing)
2015	55 (no annual report yet)
2016 to date	26 (no annual report yet)

The Iowa City Human Rights Commission has received an average of 3 complaints per year based on gender identity discrimination since 2009; however city personnel said people incorrectly believe that gender identity constitutes sex discrimination.

Fiscal Year	Number of Complaints
2009	4
2010	3
2011	0
2012	2
2013	2
2014	7
2015	4

The Cedar Rapids Civil Rights Commission has received 1 complaint since 2007 and the Ames and Bettendorf commissions have received none. The other local commissions either did not respond to our requests for information, or told us that they refer complaints to the state commission.

According to Donna Red Wing, Executive Director of One Iowa, many transgender individuals are unaware of their rights, or they fear they will be received in a hostile fashion if they come forward. Because of these and other factors, the numbers are probably a gross underestimate of actual discrimination encountered, Red Wing said.

Discrimination in Education

Results from national surveys and Iowa surveys reveal that, of the transgender respondents:

- 65% nationally feel unsafe in school

- 79% nationally were harassed in school
- 37% nationally were physically assaulted in school
- 47.6% in Iowa said that they have thought of suicide
- 84.1% of transgender college students in Iowa are harassed because of their gender expression
- 7.5% of LGBTQ college students in Iowa still experience physical harassment or assault because of their gender expression.

On a national scale, students who are transgender or gender-nonconforming face high-levels of bullying and harassment, which encompasses both verbal and physical behaviors.³² Students may endure name-calling, excessive teasing, unwanted physical contact, such as pushing or shoving, physical assaults, such as hitting, kicking, punching, scratching or spitting, and cyberbullying via email, instant messages, chat-rooms, Facebook, Instagram, Snapchat, etc.).³³ These actions place students in reasonable fear of harm, are detrimental to their physical or mental well-being, interfere with their academic performance, and undermine their ability or willingness to participate in or benefit from the services, activities, or privileges provided by a school.³⁴ Children are taunted with words like “sissy” or “tomboy” or expressions like “you throw like a girl” from their first days on the playground.³⁵ In middle school and high school, 90% of transgender students hear derogatory remarks, such as “dyke” or “faggot.”³⁶ These students also hear remarks about not acting “masculine” enough or “feminine” enough.³⁷ Almost all have been verbally harassed, over half physically harassed and almost one-third have been physically assaulted -- punched, kicked or injured with a weapon.³⁸

On the home front, 65% of Iowa transgender students felt unsafe in school.³⁹ These students are more likely to miss or skip school for safety reasons, have a lower grade point average and jettison plans for going to college as compared to cisgender students.⁴⁰ With very few people to turn to, students who are LGBTQ face high levels of depression and isolation.⁴¹ They are often left to advocate for themselves about the use preferred names, pronouns, bathrooms or locker rooms with school authorities.⁴² Many schools lack policies or programs to train principals, teachers, and counselors on how to guide and assist teens who are transitioning.⁴³ Without such protection, guidance, and support, many transgender students are left to fight for themselves. The lack of safety procedures and policies in schools has left many students vulnerable to suicide.

In 2005, the Iowa Pride Network conducted a survey profiling the experiences of lesbian, gay, bisexual, and transgender students in Iowa to inform educators, policymakers, and the public

³² Robins, B.L., Canada, G., and Roerman, R. *Safe School Certification Program in Iowa*, RISKY BUSINESS CONFERENCE (2012).

³³ Id.

³⁴ Iowa Code Ann. § 280.28

³⁵ Supra note 1.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Fitch, Peggy and Kosciw, Joe. *2005 Iowa Pride Network School Climate Survey: Profile of Lesbian, Gay, Bisexual & Transgender (LGBT) Students in Iowa*. Iowa: Iowa Pride Network (2007).

⁴² Supra note 1.

⁴³ Id.

about harassment, violence and bias directed at LGBTQ students. This survey, known as the School Climate Survey, polled results students from 37 schools. Only Iowa high school students and first year college freshmen that had attended an Iowa high school within the past year were allowed to participate in the survey.

The 2005 survey results indicate that Iowa students were not significantly different from the rest of the country in their reports of harassment, assault, and feeling unsafe in school.⁴⁴ Approximately 92.3% reported hearing "That's so gay" or "You're so gay" and 85.4% of students hear remarks such as "faggot," "dyke," or "queer."⁴⁵ One-fourth of students have reported physical harassment, such as being shoved or pushed, because of their gender expression.⁴⁶ Almost 17% of students reported having been kicked, punched, or spat upon,⁴⁷ As a result, 38.8% of students reported feeling unsafe because of their gender expression. In 2007, the Iowa Pride Network conducted another survey.⁴⁸ The number of students who experienced verbal, physical and sexual harassment in their schools because of their gender expression remained unchanged as did incidents of cyberbullying.⁴⁹ That said, the number of students reporting feeling unsafe in their schools increased, including those who skipped a class or a school day.

The school climate survey provided support for the passage of the Iowa Safe Schools law, which was enacted in 2007.⁵⁰ The law is intended to improve the school climate in order to increase the personal safety, mental health, and student learning of all students. It mandates that every school create a policy that declares harassment and bullying in schools against state and school policy.⁵¹ In addition, each school must create a system for teachers, supervisors, and counselors to report incidents of harassment and bullying that they witness.⁵² The Iowa Department of Education compiles, analyzes and releases statistics received from the schools about founded reports of bullying and harassment. The reports record "founded" incidents using 17 traits, race, religion, sex, gender identity, physical attributes, sexual orientation, etc. In 2012, there were 80 founded reports related to gender identity. In 2013, the number decreased by three to 77. In 2014, the number dramatically decreased to 25 but without any explanation. The variation in numbers could be the result of flaws in the reporting system, compliance by schools, the great discretion granted schools to determine which traits or behaviors were

⁴⁴ Fitch, Peggy and Kosciw, Joe. *2005 Iowa Pride Network School Climate Survey: Profile of Lesbian, Gay, Bisexual & Transgender (LGBT) Students in Iowa*. Iowa: Iowa Pride Network (2007).

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Iowa Code Ann. § 280.28; Iowa Code Ann. 216. ICRA now includes "gender identity" as a protected class. Discriminatory practices shall include but not be limited to: (1) Exclusion of a person persons from participation in, denial of the benefits of, or subjection to discrimination in any aca-demic, extracurricular, research, occupational training, or other programs or activity except athletic programs; (2) Denial of comparable opportunity in intramural and interscholastic athletic programs; (3) Discrimination among persons in employment and the conditions of employment; (4) On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

⁵¹ Iowa Code Ann. § 280.28

⁵² Id.

involved, and whether the incident is founded. One would hope that the numbers reflect a positive change in behaviors and attitudes.

In 2006, the first Annual Governors Conference on LGBTQ Youth was founded in conjunction with the Safe Schools initiative because “all students deserve a safe and supportive place in which to learn including those who identify as lesbian, gay, bisexual, transgender, or questioning (LGBTQ).” Conference officials emphasize that for many LGBTQ youth, school can be a terrifying place due to bullying, harassment, and discrimination.

<http://www.iowasafeschools.org/index.php/governors-conference/about-the-conference>.

The conference’s mission is to engage and educate students, educators, parents, community leaders, youth-serving professionals, policy makers, and others concerned about issues relevant to the LGBTQ community, and encourage networking and activism to inspire our communities to promote diversity, equality, and social justice. Iowa State University initiated the Safe Zone project to promote inclusiveness, increase support for and visibility of LGBTQ faculty, students, and staff, and address the concerns of the campus community. Stickers posted on campus marked the offices and places that were welcoming and inclusive as well as people trained to counsel or advise LGBTQ individuals. Other Regents Institutions, including the University of Iowa and the University of Northern Iowa have adopted and modified the programs, which provide safe havens and are designed to eliminate fear, isolation and marginalization.

In 2011, the Iowa Pride Network began surveying college students to gauge the quality of student life on campus. The majority of respondents felt safer in college, but 84.1% of students still experienced verbal harassment, and 7.5% of LGBTQ students experienced physical harassment or assault.⁵³ In 2013, there appeared to be some progress being made. Students reported feeling less alienated and a bit more comfortable about coming out as LGBTQ.⁵⁴ There was a slight decrease in reported incidents of verbal harassment (to 80.7%) and physical harassment and assault (to 5%).⁵⁵

The University of Iowa recently created a Trans* Inclusivity Taskforce to examine and enhance institutional policies, practices and initiatives, including room arrangements and assignments in dormitories and housing, use of preferred names, inclusive bathrooms, and other matters.

Personal Accounts: Tom

Tom is an Eastern Iowa high school student who is transitioning from female to male. He identifies as male and dresses in clothing associated with males. He told the school he prefers to use his non-legal name because it better matches his gender identity (knowing that his school records would contain his legal name). We use the pseudonym Tom in this report to protect his identity.

None of his classmates knew Tom was transgender until one of his teachers “outed” him by using his legal name at the beginning of the school year. The teacher who refused to use Tom’s preferred name called him “Little Miss” in class and told him that “he needs to be a girl.”

⁵³ Id.

⁵⁴ Lasley, Paul and Roemerman, Ryan M. *Iowa College Climate Survey: The Life Experiences of Lesbian, Gay, Bisexual, Transgender, Queer, Questioning and Straight Allied (LGBTQA) Students at Iowa’s Colleges and Universities*. Iowa: Iowa Pride Network (2012).

⁵⁵ Id.

A teacher counseled him “to get over it” and learn to accept the bullying and treatment because that’s what he will have to experience all of his life.

We were told that Tom reported these incidents to school officials. So far, the school has not responded to the complaints or taken any action. He is isolated and lacks support from his parents, the school system, and other students, who won’t sit with him or socialize with him. Iowa has nondiscrimination, anti-bullying, and anti-harassment laws, and policies that require schools to report incidents involving offensive and assaultive behaviors targeted at transgender students. The state education’s department website includes “key points to remember,” which include:

- Schools should make a case-by-case determination about arrangements.
- Students have the right to keep their transgender status private at school.
- A legal name change is not required for a student to use a preferred name.
- The student should choose whether to use masculine, feminine, or gender-neutral pronouns.

In spite of these policies and protections, the annual Governor’s Conference, the Safe Schools program and Safe Zone initiatives, students in K-12 and in postsecondary schools continue to encounter discrimination, hostility, and prejudice, particularly when there is a disconnect between their assigned sex at birth and gender identity or expression.

Discrimination in Employment

As noted previously, the employment outlook is bleak for transgender applicants and employees. The national survey results note that:

- Transgender individuals are unemployed at double the rate of the general population.⁵⁶
- 46% of Midwesterners were denied a job because of their gender identity.⁵⁷
- 90% experienced harassment or mistreatment on the job.⁵⁸
- 25% lost a job because of their gender identity.⁵⁹

The Equal Employment Opportunity Commission and other agencies and state civil rights commissions analyze discrimination based on gender identity as a form of sex discrimination. Some jurisdictions evaluate these types of claims based on disability when the worker or applicant has or is perceived to have a diagnosis of gender dysphoria. These varying and disparate approaches make it difficult to obtain concrete or accurate numbers or reach any conclusion. This report relies mostly on the information received from the Iowa Civil Rights Commission and local agencies. The NCTE survey did report that an Iowa State University researcher was fired after she informed her supervisor that she was transitioning. Her department administrator told her that her condition was such that they did not feel that she

⁵⁶ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (2011).*

⁵⁷ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Findings of the National Discrimination Survey: Mid West Results (2011).*

⁵⁸ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Findings of the National Discrimination Survey: Mid West Results (2011).*

⁵⁹ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Findings of the National Discrimination Survey: Mid West Results (2011); National Center for Transgender Equality & National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (2011).*

"could give sufficient effort to the department."⁶⁰ She reported the incident to the affirmative action office, who informed her that she should seek employment in another department. She ultimately failed to find a position and left Iowa.

Discrimination in Health Care:

National and Iowa surveys revealed that:

- Of respondents in the Midwest region, 19% were refused medical care and 27% postponed medical care because of discrimination.
- Of these Midwesterners, 46% attempted suicide, compared to 1.6% of the general population.
- Transgender Iowans reported being verbally harassed by medical professionals.
- Transgender Iowans postponed care because they feared a negative reaction.
- Some transgender Iowans attempted self-care after they were denied professional care.

Transgender individuals in Iowa and across the nation face significant discrimination when they try to interact with the health care system. They have unique physical and mental health needs, but are often prevented from meaningfully engaging with health care professionals because of bias, negative reactions, or because providers are ill-equipped to treat them. This combination results in untreated or under-treated conditions, missed opportunities for preventative care, and even dangerous attempts at self-treatment by some individuals.

Medical settings like emergency rooms, doctors' offices, and even ambulances are supposed to be safe spaces where people can turn in times of need without fear of shaming, judgment, or harassment. But nearly a third of the survey respondents reported being verbally harassed when they sought care. One was mocked by staff at a suicide center after attempting suicide. Another was forced to have a pelvic exam after going in for a sore throat and the doctor invited other staff to watch. Some respondents reported being physically attacked.

NCTE respondents related accounts of abuse, unequal treatment, and denial of service. "After an accident on ice, I was left untreated in the ER for two hours when they found my breasts under my bra while I was dressed outwardly as a male," said one. "I have been refused emergency room treatment even when delivered to the hospital by ambulance with numerous broken bones and wounds," said another.

Nearly one-fifth of the respondents reported having been denied treatment by a medical provider because of their gender identity. This fear of being turned away or treated harshly discourages individuals from seeking medical care or compels them to conceal their identity when they do seek it. Over a fifth of the respondents revealed that they have concealed their gender identity from all of their medical providers. "I have been harassed and physically assaulted on the street," said a respondent. "One time, I didn't go to the hospital until I went home, changed [out of feminine] clothes, and then went to the emergency room in male mode. I had a broken collar bone as a result of that attack."

Many individuals forgo or postpone medical care because they cannot afford to pay for treatments. Nearly half of NCTE respondents reported postponing care for this reason. Many Medicaid and private insurance policies do not cover surgeries or post-transition care and most states lack legislation to outlaw these exclusions. "I can no longer afford health care of any kind. I am fully transitioned and thus reliant upon estradiol as my body produces neither estrogens nor androgens in sufficient quantity. I am unable to go to the doctor for my

⁶⁰ *Id.*

prescription, and thus have been unable to buy my hormones for over one year. Thus, I watch my hair falling out, my nails dissolve and am weak and tired like a far older lady than I am.”

Nursing facility doors slam shut for transgender Iowan



[Lee Rood](#), lrood@dmreg.com 11:18 a.m. CDT May 19, 2016



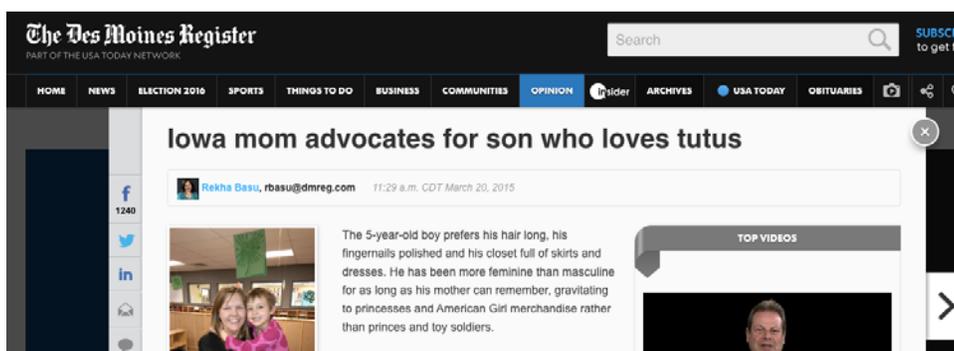
Nursing homes and rehab centers' failure to accept transgender people a national problem: Whether working as a drag queen or a government employee, LeQuan Edwards always managed to find a bathroom to use. So that rolling debate Edwards chafes. “It’s so ridiculous. C’mon folks, let’s find another story.” From where she has been sitting these past few months — a hospital bed in Des Moines — her struggle to be treated like anyone else has never been so great. Her current problem is a national one and arguably more critical than the one a Florida congressman recently dubbed The Great Bathroom Debate. © Des Moines Register and Tribune Co. 2016

In 2014, One Iowa and the Iowa LGBT Health Initiative conducted a survey and held focus groups to determine the health needs of the LGBTQ community.⁶¹ The survey had 491 participants; 46 indicated that they were transmale, transfemale, transsexual, or “genderqueer,” meaning that their gender identity differed in some way from their assigned gender. The report concluded that the LGBTQ community in Iowa suffers from a lack of access to health care, discrimination by health care providers and a fear of that discrimination resulting in less interaction, and a lack of LGBTQ-friendly health care providers, coupled with a “societal stigmatization” of the LGBTQ community. Gender non-conforming individuals expressed health concerns unique to their community, including a risk of infection from sexually transmitted diseases (especially HIV/AIDS), and an increased likelihood of mental health concerns, including thoughts of suicide.

More than half of all non-cisgender participants reported being limited by mental or emotional problems, with depression and anxiety as the most common. Nearly half of these participants were obese. Nearly one third of genderqueer participants reported that sexual assault victimization was a top concern, while more than two fifths reported having been in an abusive relationship. Half of the transmale/transfemale participants and over a third of genderqueer participants reported being victims of non-domestic violence.

The American Psychological Association recently adopted “Guidelines for Psychological Practice with Transgender and Gender Nonconforming People” in the wake of a 2009 survey that revealed that less than 30 percent of psychologist and graduate student respondents were familiar with the issues that transgender and gender nonconforming people face. The document lays out 16 guidelines aimed at helping professionals better understand the lifespan development, stigma, discrimination and barriers to care faced by this population, as well as the state of research surrounding transgender and gender nonconforming people. “These guidelines are especially timely in light of the media coverage of recent completed suicides by transgender teens and murders across the country of transgender people, especially people of color. In contrast, we have also seen coverage of high-profile transitions, including Caitlyn Jenner and Laverne Cox of ‘Orange is the New Black,’” said lore m. dickey, PhD, task force co-chair. <http://www.apa.org/news/press/releases/2015/08/working-transgender.aspx>

⁶¹ DONNA RED WING, ONE IOWA EDUCATION FUND & DANIEL HOFFMAN-ZINNEL, IOWA LGBT HEALTH INITIATIVE, IOWA LGBT HEALTH & WELLNESS STUDY, 2013–14 (2014).



Personal Accounts: Talon

When Loni Jorgensen took her 5-year-old son, Talon, to a private speech therapist to address some pronunciation issues he was having, she was shocked at the advice they received. According to the *Des Moines Register*, Talon prefers skirts and dresses over pants, long hair over short, painted fingernails, and American Girl dolls.⁶² He has asked his mother if he can be a girl when he grows up. The therapist “suggested they cut his hair, take away his ‘girl’ toys and tell him to ‘talk like a big boy.’” She also referred Loni to an occupational therapist who told her that her “son is the way he is because [she] did not give him clear boundaries as he has grown up.” Instead of addressing Talon’s speech impediment, the therapists could not see past the fact that he was gender non-conforming. To them, Talon’s gender identity was not only the lens through which his condition had to be viewed, but also its source.

Physicians and other healthcare professionals have a unique position and perspective. Given the small percentage of the population that identifies as transgender, transsexual, or gender non-conforming, even open-minded health care professionals are often unsure how to interact with transgender individuals who come to them for care. In an opinion piece for the *Iowa City Press-Citizen*, Dr. Nicole Nisly, a professor of internal medicine at the University of Iowa’s Carver College of Medicine, described her first experience with a transwoman patient:

“I felt uncomfortable caring for her. I felt unprepared to provide her with the care she needed. I had to weigh my words carefully, so as not to offend her by using the wrong pronoun or by addressing her by the wrong name. I could sense that my own uneasiness had affected the quality of our patient–physician relationship and I worried that she was not receiving the best possible care.”⁶³

Dr. Nisly attended a seminar organized by Transcollaborations, a trans-rights group, where gender non-conforming youth “described their sense of apprehension, of feeling unwelcome, and of knowing that the provider there to care for them was ill prepared.” The participants spoke of uncomfortable experiences where their doctors didn’t know what to call them, tried to send them to specialty clinics, or even declined to schedule an appointment. Dr. Nisly immersed herself in literature and encounters with transgender individuals, determined to overcome her

⁶² Rekha Basu, *Iowa Mom Advocates for Son Who Loves Tutus*, DES MOINES REG., March 20, 2015, at A19.

⁶³ Nicole Nisly, Guest Opinion, “*Transitioning, Both as a Doctor and a Human Being*,” IOWA CITY PRESS–CITIZEN, May 2, 2013.

own discomfort and to learn to understand their needs. “I felt ashamed of being in a medical profession that couldn’t provide good care for these patients,” she said in an interview for *Medicine Iowa*.⁶⁴

Dr. Nisly and her colleague, Dr. Katie Imborek, run the UI LGBTQ Health Clinic that serves gender non-conforming patients. As of the summer of 2015, the clinic had treated over 250 patients. “The people who drive hours to see us are the transgender people,” said Dr. Imborek. “They’ve gone to doctor, after doctor, after doctor and been told, ‘We don’t treat people like you.’” While the clinic is a step in the right direction, it highlights the uneasy space that transgender individuals in Iowa occupy. “I don’t want there to be a need for an LGBTQ clinic. I want my patients in Marshalltown, for example, to be able to go to a doctor in Marshalltown and get great care,” Dr. Imborek said.

There are other unique hurdles that discourage transgender individuals from seeking treatment. The Movement Advancement Project conducts policy research and analysis to promote equality for the LGBTQ community. It creates policy profiles for each state. While Iowa scored well in several areas, its lowest score was in the category of health and safety policies, where it received only 1 out of 8 possible points, largely because HIV/AIDS transmission remains criminalized and because conversion therapy is a permissible treatment option.⁶⁵ The state lacks laws that forbid health insurers from excluding coverage for transgender-specific care. Another negative noted are the Medicaid rules that exclude coverage for transgender surgical care.



[VIEW METHODOLOGY/
MORE INFORMATION](#)

Health and Safety Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Conversion Therapy Ban Covering LGBT Youth	✗	0/1	✗	0/1
Hate Crime Law Covering LGBT People	✓	1/1	✗	0/1
Private Health Insurance Non-Discrimination Laws	✗	0/1	✗	0/1
Health Insurance Providers Banned from Excluding Coverage for Transgender-Specific Care	—	—	✗	0/1
State Medicaid Policy Related to Coverage for Transgender People	—	—	NEGATIVE LAW	-1/1
Negative Law: State Criminalizes Exposure to and/or Transmission of HIV	NEGATIVE LAW	-0.5/-0.5	NEGATIVE LAW	-0.5/-0.5
Subtotal		0.5/3		-1.5/5
Health and Safety Total		-1/8		

Victimization and Criminalization

In 2013, the first year that the FBI began reporting hate crimes against transgender persons, 30 of the 5,000 hate crimes incidents were motivated by gender identity.⁶⁶ In 2014, the

⁶⁴ Dawn Goodlove, *Equality Care*, MEDICINE IOWA (2015), <http://medcom.uiowa.edu/medicine/equality-care>.

⁶⁵ MOVEMENT ADVANCEMENT PROJECT, STATE POLICY PROFILE—IOWA, http://www.lgbtmap.org/equality_maps/profile_state/13 (last visited April 25, 2016).

⁶⁶ The Federal Bureau of Investigation, *Hate Crime Statistics, 2013*.

number tripled to 98 incidents.⁶⁷ The number of transgender murders in the United States nearly doubled from 12 in 2014 to 22 in 2015.⁶⁸ The NCTE report notes that almost half of the transgender individuals surveyed in the Midwest are uncomfortable seeking help from the police.⁶⁹ Many respondents reported being stopped, arrested, or held in a cell by police simply because they are transgender, or what is known as “Walking While Transgender”.⁷⁰ “In jail and prison, abuse and violence continues in situations where transgender inmates often have no protection or escape. Correctional staff are frequently cited as participating in harassment, violence, and sexual assault—a serious abuse of authority.”⁷¹ An Eastern Iowa jail administrator related that although the jail is accommodating, the staff is prevented by law from fulfilling transgender inmates’ requests to be strip-searched by a jail employee with their same gender identity.⁷² UI LGBTQ Health Clinic doctors are working with and educating correctional officials and staff about the health care needs of transgender inmates. The Law and Policy in Action Clinic also rendered a legal opinion about whether it would be cruel and unusual punishment under the Iowa or federal Constitutions for prison officials to deny, delay, or intentionally interfere with medically-necessary hormone therapy or treatments for transgender inmates.

In March of 2016, Kedarie Johnson, a transgender girl, was walking home from her high school in Burlington, Iowa, when she was attacked because of her gender identity.⁷³ Her assailants poured bleach over her, covered her face with a pillowcase, and shot her five times. In 2011 in Johnson County, Iowa, a transgender woman was taken out of the county courthouse’s women’s restroom by a policewoman, despite the woman correctly stating that she had a right to be there under Iowa law.⁷⁴

⁶⁷ The Federal Bureau of Investigation, *Hate Crime Statistics, 2014*.

⁶⁸ Diana Tourjee, *A Crisis of Violence: Transgender Murders Increased 84% This Year*, Broadly (Nov. 20, 2015), https://broadly.vice.com/en_us/article/a-crisis-of-violence-transgender-murders-increased-84-this-year.

⁶⁹ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Findings of the National Discrimination Survey: Mid West Results* (2011).

⁷⁰ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011).

⁷¹ *National Center for Transgender Equality & National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011).

⁷² Interview by George Fitting (Apr. 13, 2016).

⁷³ Courtney Crowder, *Police: Kedarie Johnson's Murder 'Not a Random Act.'*, The Des Moines Register (Mar. 24, 2016), <http://www.desmoinesregister.com/story/news/2016/03/23/kedarie-johnson-murder-not0random/82171604>.

⁷⁴ Gregg Hennigan, *Johnson County settles with transgender woman over restroom complaint*, The Gazette (Mar. 28, 2014), <http://www.thegazette.com/2013/06/20/johnson-county-settles-with-transgender-woman-over-restroom-complaint>.



Personal Accounts: Meagan Taylor

In 2015, Meagan Taylor, a transgender woman, was on her way to a funeral when she entered a West Des Moines hotel with her friend to spend the night.⁷⁵ At the check-in desk, Taylor relates that the hotel employees gave them looks of disgust and avoided eye contact. The hotel employees eventually called the police to report suspected prostitution because the two were "men dressed like women." The police responded by arresting Taylor and placing her in a cell for eight days. In November 2015, the ACLU filed a complaint on Ms. Taylor's behalf with the Iowa Civil Rights Commission against the Drury Inn of West Des Moines. <http://www.aclu-ia.org/2015/11/10/aclu-files-complaint-on-behalf-of-black-transgender-woman-illegally-profiled-and-jailed/>

Iowa Code Provisions:

The Varnum court relied on evidence that the Iowa legislature had acted to protect people from discrimination based on their sexual orientation to reach its conclusion that lesbian, gay, and bisexual Iowans had experienced a history of discrimination. The legislature has been at least as active in protecting transgender Iowans from discrimination based on their gender identity. This section lists Iowa statutes, proposed bills, agency rules, and municipal ordinances that refer to gender identity or related terms such as gender expression, gender orientation, transsexual, and transgender. The list of proposed legislation includes only legislation proposed but not enacted by the 86th General Assembly.

Iowa Civil Rights Act: Credit, Education, Employment, Housing and Public Accommodations

Iowa Code § 216.2 defines "gender identity" as "a gender-related identity of a person, regardless of the person's assigned sex at birth."

Iowa Code § 216.5 empowers the Iowa Civil Rights Commission to make recommendations to the state legislature for further legislation concerning gender identity discrimination, and to issue publications and reports of investigations and research "to promote goodwill" and "tend to minimize or eliminate discrimination" on the basis of gender identity.

Iowa Code § 216.6 prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity.

Iowa Code § 216.6A prohibits employers from "paying wages to [an] employee at a rate less than the rate paid to other employees" because of a person's gender identity.

⁷⁵ Grant Rodgers, *Arrested transgender woman says hotel harassed her*, Des Moines Register (Dec. 11, 2015), <http://www.desmoinesregister.com/story/news/crime-and-courts/2015/11/10/arrested-transgender-woman-files-complaint-against-wdm-hotel/75508728/>.

Iowa Code § 216.7 prohibits public accommodation operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

Iowa Code § 216.8 prohibits property owners or their agents from refusing to sell or lease their property, or advertising that certain people are unwelcome to sell or lease it, because of a person's gender identity.

Iowa Code § 216.8A prohibits people from encouraging people to sell or rent their property because of their gender identity, and lists additional prohibited practices.

Iowa Code § 216.9 prohibits educational institutions from discriminating against students and employees because of their gender identity.

Iowa Code § 216.10 prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Iowa Code § 216.12 excepts religious institutions and lessors with certain small rental properties who live in the same building as their lessees from the prohibition against gender identity discrimination in the housing sections of the Iowa Civil Rights Act.

Iowa Code § 216.12A states that the housing sections of the Iowa Civil Rights Act "do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than . . . gender identity."

Education:

Iowa Code § 256F.4 prohibits charter schools from discriminating on the basis of gender identity.

Iowa Code § 280.28 prohibits harassment and bullying in schools because of a person's gender identity. It also requires schools to develop a procedure for reporting and investigating allegations of harassment or bullying, and to collect and report harassment and bullying data to the state.

Iowa Code § 256.27 prohibits employers posting job opportunities on the online state job posting system from discriminating in hiring on the basis of a person's gender identity.

Iowa Code § 279.50 requires school boards to provide age-appropriate and research-based instruction in human growth and development and defines "research-based" as "information that is free of racial, ethnic, sexual orientation, and gender biases."

Economic Development Authority Disability Exclusion

Iowa Code § 15.102, part of the chapter that created the Economic Development Authority, excludes "gender identity" from the definition of "disability" throughout the chapter. This language is also reflected in a number of regulations promulgated by other agencies (see administrative rules section for full list).

Vital Records and Public Health Department Birth Certificates

Iowa Code § 144.23 authorizes the state registrar to issue a new birth certificate upon receipt of a notarized affidavit by a licensed physician and surgeon or osteopathic physician and

surgeon stating that by reason of surgery or other treatment by the licensee, the sex designation of the person has been changed. The state registrar may make a further investigation or require further information necessary to determine whether a sex change has occurred.

Iowa Code §144.24 states that a new birth certificate shall be substituted for the original and the original certificate and evidence of a sex change shall not be subject to inspection without a court order.

Proposed Legislation 86th General Assembly:

Hate Crimes: S.F. 2120, S.F. 2284, and H.F. 2123 proposed modifying Iowa Code § 729A.2 to include "gender expression" and "gender identity" as grounds for heightened punishment for those who target them in the hate crimes statute.

Conversion Therapy: S.F. 334, S.F. 31, and H.F. 276 proposed adding Iowa Code § 135.181 to criminalize attempts by mental health providers "to change behaviors or gender expressions or gender identity."

Bullying: S.F. 345, S.S.B. 1044, H.F. 490, and H.S.B. 39 proposed adding a new subsection to Iowa Code § 256.9 to create a bullying and violence prevention student monitoring program "to explore how student leadership can help prevent bullying and violence in schools" on the basis of traits including gender identity. S.F. 162 proposed adding a new subsection to Iowa Code § 256.9 creating a school climate technical assistance office and a school climate and bullying advisory committee to help combat bullying on the basis of traits including gender identity.

Women's Health: H.R. 18 proposed requiring the House of Representative to prioritize women's health in the 86th General Assembly because "lesbian, gay, bisexual, and transgender (LGBT) women have unique health care needs and confront a unique set of disparities in the health care system."

Police Profiling: S.F. 2267, S.F. 2713, and H.F. 2376 proposed adding Iowa Code § 80G.1 to prohibit police profiling on the basis of traits including gender identity.

Wage Discrimination: S.F. 2193, S.S.B. 3071, H.F. 2159 proposed adding a subsection to Iowa Code 216.6A to make penalties applicable to employers who engage in wage discrimination on the basis of traits including gender identity, and created an equal pay task force to combat wage discrimination.

Health Coverage: H.F. 349 proposed adding Iowa Code 507B.5A to prohibit health insurance carriers from using "a plan benefit design or a manner of implementing a plan benefit design for providing health benefits that discriminates against an enrollee based on the enrollee's . . . gender identity."

Administrative Agency Rules (Iowa Administrative Code)

Civil Rights Commission

161 IAC 6.2 requires the criteria used to evaluate applicants for credit and the standards necessary to be met to be the same regardless of their gender identity.

161 IAC 10.2 prohibits discrimination by public accommodations because of a person's gender identity, and lists five examples of acts that constitute discrimination.

Department of Education

281 IAC 12.1 requires schools to provide equal opportunity in programs to all students regardless of their gender identity.

281 IAC 12.3 requires school boards to consider the potential disparate impact of policies on students because of their gender identity. It also requires them to construe harassment and bullying to mean "any electronic, written, verbal, or physical act or conduct toward a student which is based on the student's actual or perceived . . . gender identity."

281 IAC 68.4 prohibits charter schools from discriminating against applicants on the basis of their gender identity.

281 IAC 79.2 defines "diverse groups" as "one or more groups of individuals possessing certain traits or characteristics, including . . . gender identity" with respect to the general standards applicable to all practitioner preparation programs.

281 IAC 80.2 defines "diverse groups" as "one or more groups of individuals possessing certain traits or characteristics, including . . . gender identity" with respect to the standards for para-educator preparation programs.

Department of Education, Iowa Vocational Rehabilitation Services

281 IAC 56.2 requires the division not to discriminate on the basis of gender identity when determining "a person's eligibility for rehabilitation services and in the provision of necessary rehabilitation services."

Department of Human Services

441 IAC 78.1 b. Cosmetic, reconstructive, or plastic surgery performed in connection with certain conditions is specifically excluded. These conditions are:

(1) Dental congenital anomalies, such as absent tooth buds, malocclusion, and similar conditions. (2) Procedures related to transsexualism, hermaphroditism, gender identity disorders, or body dysmorphic disorders.

Department of Inspections and Appeals

481 IAC 25.1 excludes "[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders" from its definition of "disability" with respect to the Iowa Targeted Small Business Certification Program.

481 IAC 51.6 requires hospital governing boards to adopt a statement of principles regarding patient rights that addresses access to treatment regardless of gender identity.

481 IAC 103.19 excludes "[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders" from its definition of "disability" with respect to electronic bingo equipment, which may only be used by disabled individuals.

Department of Public Health

641 IAC 99.20 describes the proof and affidavits needed to change the sex designation on an Iowa birth certificate.

Department of Revenue

701 IAC 42.18 excludes “[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders” from its definition of “disability” with respect to the Assistive Device Tax Credit.

701 IAC 52.17 also excludes “[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders” from its definition of “disability” with respect to the Assistive Device Tax Credit.

Department of Transportation, Office of Right of Way

761 IAC 123.5 requires rest area sponsors in the Rest Area Sponsorship Program to provide the department with written assurance that they will not discriminate on the basis of a person’s gender identity.

761 IAC 119.3 makes it a requirement for activities or sites to qualify for tourist-oriented directional signage to “comply with applicable laws concerning public accommodations without regard to . . . gender identity.”

761 IAC 119.3 makes it a requirement for activities or sites to qualify for private directional signage to “be open to the general public and not by appointment, reservation or membership only and [to] comply with all applicable laws concerning public accommodations without regard to . . . gender identity.”

761 IAC 124.5 requires highway helper sponsors in the Highway Helper Sponsorship Program to provide the department with written assurance that they will not discriminate on the basis of a person’s gender identity.

Economic Development Authority, Business Development Division

261 IAC 552 excludes “[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders” from its definition of “disability” with respect to the Targeted Small Business Financial Assistance Program.

261 IAC 66.2 excludes “[t]ransvestitism, transsexualism, pedophilia, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders” from its definition of “disability” with respect to the Assistive Device Tax Credit.

Educational Examiners Board

282 IAC 24.3 requires applicants for pre-kindergarten through grade 12 para-educator generalist certificates to “[b]e aware of personal biases and beliefs and refrain from discriminatory practices based on a student’s . . . gender identity.”

282 IAC 25.3 makes it a violation of a standard of professional ethics to engage in any act of illegal discrimination, or otherwise deny a student or practitioner participation in the benefits of any program on the grounds of gender identity.

282 IAC 26.3 requires licensed educators not to discriminate against any student on the grounds of gender identity.

Fair Board

371 IAC 4.25 forbids licensees from discrimination on the basis of gender identity, and requires them to agree that the board will terminate their license agreement if a violation is found.

Natural Resource Commission

571 IAC 15.6 permits the director to revoke an establishment's license to be a depository for the sale of hunting and fishing licenses if the establishment refuses to sell anyone a license because of his or her gender identity.

Pharmacy Board

657 IAC 3.28 makes it a violation of a standard of ethical conduct for a pharmacist technician to "unlawfully discriminate between patients or groups of patients for reasons of . . . gender identity . . . when providing pharmaceutical services."

657 IAC 5.25 makes it a violation of a standard of ethical conduct for a pharmacy support person to "unlawfully discriminate between patients or groups of patients for reasons of . . . gender identity . . . when providing pharmaceutical services."

657 IAC 8.11 makes it a violation of a standard of ethical conduct for licensed pharmacies, licensed pharmacists, registered pharmacy technicians, registered pharmacy support persons, and registered pharmacist-interns to "unlawfully discriminate between patients or groups of patients for reasons of . . . gender identity . . . when providing pharmaceutical services."

Iowa Municipal Codes and Ordinances:

Ames

Ames Code of Ordinances § 14 defines "gender identity" as "a gender-related identity of a person regardless of the person's assigned sex at birth."

The chapter empowers the Ames Human Relations Commission to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity," and to "make recommendations to the Mayor and City Council for such further legislation concerning discrimination because of . . . gender identity."

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from "discriminating against any employee because of gender identity by paying wages to such employee at a rate less than the rate paid to other employees."

It prohibits public accommodations operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It also prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

It prohibits educational institutions from discriminating on the basis of gender identity in any program or activity.

Bettendorf

Bettendorf Code of Ordinances § 5-3 defines "gender identity" as "[a] gender related identity of a person, regardless of the person's assigned sex at birth."

The chapter prohibits public accommodations operators from refusing or denying "the furnishing of . . . accommodations, advantages, facilities, services, or privileges" on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from discriminating against any employee because of gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from discriminating on the basis of gender identity in any program or activity.

It also prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Bettendorf Code of Ordinances § 2-5-4 empowers the Bettendorf Human Relations Committee to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity."

Bettendorf Code of Ordinances § 5-2-7 prohibits the Bettendorf Fire Department from denying the selection of volunteer firefighters on the basis of their gender identity.

Burlington

Burlington Code of Ordinances § 34.02 simply states that "Chapter 216 of the Code of Iowa entitled the Iowa Civil Rights Act of 1965 is hereby adopted by reference in its entirety." There are no references to gender identity in the municipal code.

Cedar Falls

Cedar Falls Code of Ordinances § 15-152 prohibits discrimination because of a person's gender identity in real estate transactions and membership in multiple-listing services or real estate brokers' organizations. It clarifies that appraisers may take into consideration factors other than gender identity discrimination to furnish real property appraisals.

Cedar Falls Code of Ordinances § 15-131 prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity.

Cedar Falls Code of Ordinances § 15-91 prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Cedar Falls Code of Ordinances § 15-2 defines "discriminate" or "discriminatory" as "any difference in treatment because of . . . gender identity," including "all of the unfair discriminatory practices contained in this chapter."

Cedar Falls Code of Ordinances § 15-56 prohibits people from discriminating against another person in any of the rights protected against discrimination on the basis of gender identity.

Cedar Falls Code of Ordinances § 15-31 requires the mayor to take into consideration gender identity groups in the city when appointing people to the Human Rights Commission.

Cedar Falls Code of Ordinances § 15-111 prohibits educational institutions from discriminating on the basis of a person's gender identity.

Cedar Rapids

Cedar Rapids Code of Ordinances § 69.02 declares that the purpose of creating the Civil Rights Commission is "[t]o secure for all individuals within the City of Cedar Rapids freedom from discrimination because of . . . gender identity."

Cedar Rapids Code of Ordinances § 69.03 defines "gender identity" as "a person's actual or perceived gender-related identity, appearance, expression, behavior, or other attributes, regardless of the person's assigned sex at birth..."

Cedar Rapids Code of Ordinances § 69.05 empowers the Civil Rights Commission "[t]o issue such publications and reports of investigations and research . . . to promote good will amongst the various protected classes, including . . . gender identity," as well as "[t]o make recommendations to the Mayor and City Council for such further legislation concerning discrimination because of . . . gender identity."

Cedar Rapids Code of Ordinances § 69.06 prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity.

Cedar Rapids Code of Ordinances § 69.07 prohibits public accommodations operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

Cedar Rapids Code of Ordinances § 69.08 prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Cedar Rapids Code of Ordinances § 69.09 prohibits educational institutions from discriminating on the basis of a person's gender identity.

Cedar Rapids Code of Ordinances § 69.19 prohibits people from refusing to sell or rent real property, offering discriminatory terms, advertising that certain people are unwelcome, or encouraging people to leave a neighborhood because of their gender identity.

Clinton

Clinton Code of Ordinances § 32.136 simply states that "the Iowa Code Chapter 216 entitled the Iowa Civil Rights Act of 1965 is hereby adopted by reference in its entirety." There are no references to gender identity in the municipal code.

Coralville

Coralville Code of Ordinances § 26 defines "gender identity" as "a person's actual or perceived appearance, expression, identity of, or behavior, as they are understood to be masculine and/or feminine of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth."

The chapter prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity.

It prohibits public accommodations operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

It also prohibits creditors from denying credit or life, health, or accident insurance, or imposing discriminatory terms or interest rates, because of a person's gender identity.

It prohibits educational institutions from discriminating on the basis of gender identity in any program or activity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

Council Bluffs

Council Bluffs Code of Ordinances § 1.40.010 declares that the purpose of creating the Council Bluffs Civil Rights Commission is "[t]o secure for all individuals within the city, freedom from discrimination because of . . . gender identity."

Council Bluffs Code of Ordinances § 1.40.030 defines "gender identity" as "a gender-related identity of a person, regardless of the person's assigned sex at birth."

Council Bluffs Code of Ordinances § 1.40.060 empowers the Council Bluffs Civil Rights Commission "[t]o issue such publications and reports of investigation and research . . . to minimize or eliminate discrimination . . . because of . . . gender identity."

Council Bluffs Code of Ordinances § 1.40.080 prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity.

Council Bluffs Code of Ordinances § 1.40.090 prohibits public accommodations operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

Council Bluffs Code of Ordinances § 1.40.100 prohibits people from refusing to sell or rent real property, offering discriminatory terms, advertising that certain people are unwelcome, or encouraging people to leave a neighborhood because of their gender identity.

Council Bluffs Code of Ordinances § 1.40.110 prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Council Bluffs Code of Ordinances § 1.40.140 prohibits people from discharging, harassing, penalizing or otherwise retaliating with respect to employment, housing, public accommodation or financial practices against any individual because of that individual's association with persons of a particular gender identity or to discriminate against any individuals in those categories because of his or her gender identity.

Davenport

Davenport Code of Ordinances § 2.58.3 defines "gender identity" as "a gender-related identity of a person regardless of the person's assigned sex at birth."

The chapter empowers the Davenport Civil Rights Commission to "[t]o study the existence, character, causes and extent of practices of discrimination and unfair practices in this city against any group because of . . . gender identity . . . and to attempt the elimination of such discrimination by education and conciliation." It also empowers it to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity," and to "make recommendations to the Mayor and City Council for such further legislation concerning discrimination because of . . . gender identity."

It prohibits public accommodations operators from refusing or denying "the furnishing of . . . accommodations, advantages, facilities, services, or privileges" on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from discriminating against any employee because of gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from discriminating on the basis of gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

It also prohibits discrimination on the basis of gender identity "because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter."

It prohibits discharging, harassing, penalizing or otherwise retaliating with respect to employment, housing, public accommodations, education, or credit against any individual because of that individual's association with persons of a particular gender identity.

Decorah

Decorah Code of Ordinances § 2.50 does not mention gender identity. It defines "sex" as "a category into which human beings are placed, based on the perceived or actual physical presence of reproductive organs representing two main biological divisions of male or female, or a combination thereof, hermaphrodite, transgendered, in surgical transition, etc."

It the Iowa Civil Rights Act to say that the Decorah Human Rights Commission has the power to provide appropriate remedies where discrimination has been found to exist, such remedies including, but not limited to, cease and desist orders and remedial actions provided in Section 216.15(8)(a) of the Code of Iowa, and stating that "[i]n all cases covered by the Iowa Civil Rights Act of 1965, Chapter 216, Code of Iowa, the commission shall notify the Iowa Civil Rights Commission when a complaint is filed and whenever a finding of probable cause or no probable cause has been made with respect to any case or whenever a case is otherwise closed."

Des Moines

Des Moines Code of Ordinances § 62-1 defines "discriminate," "discrimination" and "discriminatory" as "any significant and unreasonable difference in treatment because of . . . gender identity," or because of association with another person of a different gender identity, or "to separate, to segregate, or to make a distinction against any persons, because of . . . gender identity."

Des Moines Code of Ordinances § 62-42 empowers the Human Rights Commission to formulate and carry out a comprehensive educational program designed to prevent and eliminate discrimination because of . . . gender identity.

Des Moines Code of Ordinances § 62-71 prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment" because of a person's gender identity.

Des Moines Code of Ordinances § 62-72 exempts bona fide religious institutions from the prohibition against employment discrimination on the basis of gender identity when job qualifications are related to a bona fide religious purpose.

Des Moines Code of Ordinances § 62-101 prohibits people from refusing to sell or rent real property, offering discriminatory terms, advertising that certain people are unwelcome, or encouraging people to leave a neighborhood because of their gender identity.

Des Moines Code of Ordinances § 62-103 excepts religious institutions and lessors with certain small rental properties who live in the same building as their lessees from the prohibition against gender identity discrimination in the housing sections of the Des Moines Code of Ordinances.

Des Moines Code of Ordinances § 62-104 prohibits people from intentionally intimidating, interfering with, or attempting to interfere with a person because of that person's gender identity by use of force or threat of force.

Des Moines Code of Ordinances § 62-136 prohibits public accommodations operators from refusing or denying anyone the use of their facility, or advertising that certain people are unwelcome to use it, because of a person's gender identity.

Des Moines Code of Ordinances § 62-137 excepts bona fide religious institutions and lessors with certain small rental properties who live in the same building as their lessees from the prohibition against gender identity discrimination in the housing sections of the Des Moines Code of Ordinances.

Des Moines Code of Ordinances § 62-166 prohibits city employees and officials from denying anyone access to facilities or privileges of the city because of their gender identity.

Des Moines Code of Ordinances § 62-169 requires urban renewal projects to include a nondiscrimination clause in their lease that states that "there shall be no discrimination against or segregation of any person or group of persons on account of . . . gender identity."

Des Moines Code of Ordinances § 126-231 requires Vehicle for Hire Certificate holders to require Transportation Service Vehicle drivers not to "discriminate against passengers or potential passengers on the basis of . . . gender identity."

Dubuque

Dubuque Code of Ordinances § 8 defines "gender identity" as "[a] gender related identity of a person, regardless of the person's assigned sex at birth."

The chapter prohibits discrimination on the basis of gender identity "because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this title."

It prohibits public accommodations operators from refusing or denying "the furnishing of . . . accommodations, advantages, facilities, services, or privileges" on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from "discriminating against any employee because of . . . gender identity."

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminating on the basis of gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Fort Dodge

Fort Dodge Code of Ordinances § 2.16 defines "gender identity" as "a gender related identity of a person, regardless of the person's assigned sex at birth."

The chapter empowers the Fort Dodge Human Rights Commission to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity," and to "make recommendations to the city council for such further legislation concerning discrimination because of . . . gender identity."

It prohibits public accommodations operators from refusing or denying "the furnishing of . . . accommodations, advantages, facilities, services, or privileges" on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from "refus[ing] to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment" because of a person's gender identity, and from "discriminating against any employee because of . . . gender identity."

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminat[ing] . . . on the basis of . . . gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Grinnell

Grinnell Code of Ordinances § 29 empowers the Grinnell Human Rights Commission to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity."

The chapter prohibits public accommodations operators from refusing or denying "the furnishing of . . . accommodations, advantages, facilities, services, or privileges" on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from "refus[ing] to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment" because of a person's gender identity, and from advertising that applicants are unwelcome because of their gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminat[ing] . . . on the basis of . . . gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Iowa City

Iowa City Code of Ordinances Title 2 defines "gender identity" as "[a] person's various individual attributes, actual or perceived, in behavior, practice or appearance, as they are understood to be masculine and/or feminine."

The chapter prohibits public accommodations operators from refusing or denying "the full and equal enjoyment" of their facilities on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from "refus[ing] to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment" because of a person's gender identity, and from advertising that applicants are unwelcome because of their gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminat[ing] . . . on the basis of . . . gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Johnson County

Johnson County Code of Ordinances § 4.5 defines "gender identity" as "[a] person's actual or perceived appearance, expression, identity of, or behavior, as they are understood to be masculine and/or feminine of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth."

The chapter prohibits public accommodations operators from refusing or denying "the full and equal enjoyment" of their facilities on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from advertising that applicants are unwelcome because of their gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from discriminating on the basis of gender identity in any program or activity.

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Keokuk

Keokuk Code of Ordinances § 2.76 creates the Keokuk Human Rights Commission, but states that its purpose is "through persuasion and education to eliminate prejudice and discrimination because of race, color or creed, and to safeguard the rights of all citizens as defined by our laws and constitution." Neither the Iowa Civil Rights Act nor "gender identity" are mentioned in the municipal code.

Marion

Marion Code of Ordinances 31 defines "gender identity" as "a person's actual or perceived gender-related identity, appearance, expression, behavior, or other attributes, regardless of the person's assigned sex at birth."

The chapter empowers the Marion Civil Rights Commission to issue "publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity," and to "make recommendations to the Mayor and City Council for such further legislation concerning discrimination because of . . . gender identity."

It prohibits public accommodations operators from refusing or denying "the accommodations, advantages, facilities, services, or privileges" of their facilities on the basis of a person's gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person's gender identity, and from advertising that applicants are unwelcome because of their gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminating on the basis of gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

Mason City

Mason City Code of Ordinances § 2-10 defines "prohibited basis" as discrimination based upon gender identity, but also refers to the characteristics of individuals with whom the person or class of persons or individual deals or associates" and states that "[i]t shall be unlawful for any contractor or an awarding authority to discriminate against a subcontractor, supplier, or service provider on a prohibited basis." The chapter does not reference gender identity anywhere else, instead simply stating that "[t]here is hereby adopted as the complete 'Mason City human rights code,' the most current edition, of chapter 216, code of Iowa, prepared and edited by the legislative service bureau. Said civil rights code of the state of Iowa is, by this reference, duly adopted as fully and completely as if set out in detail herein except as provided in this chapter."

Mount Pleasant

Mount Pleasant Code of Ordinances § 9.1 empowers the Mount Pleasant Human Rights Commission “[t]o conduct its duties and functions in the spirit of, and in accord with, all Federal and State Legislation pertaining to the elimination of discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools and housing because of race, creed, color, sex, national origin, religion or ancestry.” The municipal code does not mention the Iowa Civil Rights Act or gender identity.

Sioux City

Sioux City Code of Ordinances § 4.04 empowers the Sioux City Human Rights Commission “[t]o investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, credit practices, and housing in this city and to attempt the elimination of such discrimination by education and conciliation.” It states that the purpose of the Commission is to conduct “effective enforcement of this chapter, the anti-discrimination laws of the State of Iowa and federal antidiscrimination laws.” The chapter does not mention gender identity or specifically incorporate the discrimination sections of the Iowa Civil Rights Act.

Urbandale

Urbandale Code of Ordinances § 26.04 simply states that “notwithstanding the provisions of Section 26.03, when a human rights commission has been established, the director thereof shall ex officio be a member, without vote, of the Civil Service Commission.” The municipal code does not indicate that a Human Rights Commission has been established, and also does not mention gender identity or the Iowa Civil Rights Act.

Waterloo

Waterloo Code of Ordinances § 10 empowers the Waterloo Human Rights Commission to issue “publications and reports of investigations and research . . . to promote good will . . . and . . . minimize or eliminate discrimination . . . because of . . . gender identity,” and “[t]o cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter and in the planning and conducting of programs designed to eliminate discrimination based on gender identity.”

Waterloo Code of Ordinances § 5-3 defines “gender identity” as “[a] gender related identity of a person, regardless of the person's assigned sex at birth.”

The chapter prohibits public accommodations operators from refusing or denying “the accommodations, advantages, facilities, services, or privileges” of their facilities on the basis of a person’s gender identity, and from advertising that people are unwelcome because of their gender identity.

It prohibits employers from refusing to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment because of a person’s gender identity, and from advertising that applicants are unwelcome because of their gender identity.

It prohibits people from refusing to sell or lease real property, offering discriminatory terms for the sale or lease of real property, advertising that certain people are unwelcome, or encouraging people to sell or lease their real property because of their gender identity.

It prohibits educational institutions from "discriminat[ing] . . . on the basis of . . . gender identity in any program or activity."

It prohibits creditors from denying credit or imposing discriminatory terms or interest rates because of a person's gender identity.

It also prohibits people from discharging, harassing, penalizing or otherwise retaliating with respect to employment, housing, public accommodations or financial practices against any individual because of that individual's association with persons of a particular gender identity.

Waterloo Code of Ordinances § 3-7-13 states that cable TV franchisers "shall not deny service, deny access or otherwise discriminate against subscribers, programmers or general citizens on the basis of . . . gender identity."

West Des Moines

West Des Moines Code of Ordinances § 2-9 states that "[t]he purpose of this Chapter is to establish a nonjudicial Human Rights Commission consistent with the Iowa Civil Rights Act." It authorizes the West Des Moines Human Rights Commission to study the existence, character, causes, and extent of discrimination within the City because of race, creed, color, sex, national origin, religion, ancestry or disability, and to attempt the elimination of such discrimination by education and understanding. The municipal code does not mention gender identity or specifically incorporate the Iowa Civil Rights Act discrimination prohibitions.