

Nos. 17-1618 & 17-1623

IN THE
Supreme Court of the United States

GERALD LYNN BOSTOCK,
Petitioner,

v.

CLAYTON COUNTY, GEORGIA,
Respondent.

ALTITUDE EXPRESS, INC. AND RAY MAYNARD,
Petitioners,

v.

MELISSA ZARDA AND WILLIAM MOORE, JR.,
CO-INDEPENDENT EXECUTORS OF THE ESTATE OF
DONALD ZARDA,
Respondents.

**On Writ of Certiorari to the United States Courts
of Appeals for the Eleventh and Second Circuits**

**AMICI CURIAE BRIEF OF SCHOLARS WHO
STUDY THE LGB POPULATION IN SUPPORT
OF THE EMPLOYEES**

ADAM P. ROMERO
THE WILLIAMS INSTITUTE
UCLA SCHOOL OF LAW
385 Charles E. Young
Drive, East
Los Angeles, CA 90095
(310) 267-4382

JEFFREY T. GREEN*
JUSTIN R. BECKER
KATY (YIN YEE) HO
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
jgreen@sidley.com

DANA R. ANGOOD
PATRICK C. BRYANT
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
(212) 839-5300

CAROL LYNN THOMPSON
SIDLEY AUSTIN LLP
555 California Street
Suite 2000
San Francisco, CA 94104
(415) 772-1200

Counsel for Amici Curiae

July 3, 2019

*Counsel of Record

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INTEREST OF *AMICI CURIAE*¹

Amici curiae are 84 scholars of demographics, economics, epidemiology, law, medicine, psychology, political science, public health, public policy, and other disciplines. Many of them are affiliated with the Williams Institute, an academic research center at the UCLA School of Law dedicated to the study of sexual orientation and gender identity.² *Amici* have conducted extensive research and authored numerous studies regarding the lesbian, gay, and bisexual (“LGB”) population, including the extent of, effects of, and public attitudes regarding discrimination based on sexual orientation.

This Court and other federal courts have expressly relied on the research of *amici* and the Williams Institute, and several of the *amici* have served as expert witnesses in cases involving the rights of LGB people. *See, e.g., Obergefell v. Hodges*, 135 S. Ct. 2584, 2600 (2015); *Baskin v. Bogan*, 766 F.3d 648, 663, 668 (7th Cir. 2014); *Campaign for S. Equality v. Bryant*, 64 F. Supp. 3d 906, 943 n.42 (S.D. Miss. 2014); *DeBoer v. Snyder*, 973 F. Supp. 2d 757, 763–64 (E.D. Mich. 2014). *Amici* believe that the research

¹ Petitioner Altitude Express and Respondent Clayton County have filed with this Court blanket letter of consents to the filing of amicus briefs. Petitioner Bostock and Respondents Zarda et al. have given written consent, to be lodged with this Court, with the filing of this brief. Under Supreme Court Rule 37.6, *amici curiae* obtained consent of counsel of record for all parties to file this brief. *Amici* state that no one other than *amici*’s counsel authored this brief in whole or in part; no party or party’s counsel contributed money intended to fund preparing or submitting this brief; and no person other than *amici curiae*, its members, or its counsel contributed money that was intended to fund preparing or submitting the brief.

² Appendix A identifies the individual amici.

and data presented in this brief will aid the Court in evaluating why discrimination against LGB employees is a form of sex discrimination prohibited under Title VII and will show the impact of the Court's decision for LGB employees and their employers.

As scholars who study issues related to sexual orientation, *amici* have a substantial interest in this matter. In this brief, they present social science and other research relevant to the legal questions before this Court, including research concerning: the demographics and socioeconomic characteristics of the LGB population; the widespread and persistent employment discrimination experienced by LGB employees, especially in states that do not have anti-discrimination statutes banning sexual orientation discrimination; the negative impact of sexual orientation discrimination on LGB employees; and the adverse consequences of this discrimination for employers and the business community at large. *Amici* also discuss public opinion research reflecting recognition that LGB employees experience sexual orientation discrimination and support for laws prohibiting such discrimination.

A substantial number of *amici* are concurrently submitting a brief in *R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC and Stephens*, No. 18-107 in support of Respondent Aimee Stephens. Whereas the present brief focuses on research about sexual orientation and the LGB population, the brief in *R.G. & G.R. Harris Funeral Homes* presents different research about gender identity and the transgender population.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

Discrimination against individuals based upon their sexual orientation is sex discrimination in violation of Title VII because sexual orientation is an inherently sex-based trait. That conclusion flows from the plain language of the statute and its application in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) (plurality opinion). A person's sexual orientation can be defined only by identifying his or her sex in relation to the sex of another. Sexual orientation discrimination is also rooted in stereotypes about how women and men should act and behave in terms of sex and gender.³ A core form of sex stereotyping is the belief that men must be romantically and physically attracted only to women and women only to men.

Although in enacting and amending Title VII Congress did not expressly enumerate "sexual orientation" as a protected characteristic, consistent with the well-recognized principle that "statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils," sexual orientation discrimination is a "comparable evil" covered by the text of Title VII.⁴ This conclusion is buttressed by reference to the language of the Equal Pay Act, passed a year earlier. Unlike Title VII, the Equal Pay Act requires an "opposite" sex comparator to establish a violation,

³ *Price Waterhouse*, 490 U.S. at 235, 240–42, 258 (plurality opinion).

⁴ *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998).

demonstrating that Title VII encompasses a broader range of sex discrimination.⁵

The purpose of this brief is not to repeat the legal arguments in the merits briefs. Rather, it is to provide a fuller picture of the LGB population and the discrimination this population faces in the workplace. *Amici* believe that providing the Court with information about the nature and effects of sexual orientation discrimination will assist the Court in determining that LGB discrimination is sex-based and will demonstrate the necessity of Title VII protections.

Despite expanded legal rights and increased social acceptance of LGB people, many still experience widespread employment discrimination. Such discrimination is worse in states that do not have anti-discrimination statutes expressly prohibiting sexual orientation discrimination.

Employment discrimination against LGB people on the basis of sexual orientation negatively affects their financial, emotional, and physical well-being. Such discrimination also negatively affects employers and the business community. Employment discrimination prevents workplace cohesion, erodes job satisfaction, and undermines employee loyalty. These are consequences of discrimination against LGB persons because of sex and so are the type of comparable evil Title VII prohibits.

When laws expressly prohibiting sexual orientation discrimination exist and when such laws are visibly enforced, the result is more hospitable workplaces for LGB employees and more productive workforces for

⁵ 29 U.S.C. § 206(d)(1) (2012); see Adam P. Romero, *Does the Equal Pay Act Prohibit Discrimination on the Basis of Sexual Orientation or Gender Identity?*, 10 Ala. C.R. & C.L. L. Rev. 35, 39, 90–92 (2019).

all employers. The business community and a majority of Americans recognize the harms caused by sexual orientation discrimination, and support prohibition of such discrimination in employment.

BACKGROUND

LGB people comprise all walks of life throughout the United States. They live in all fifty states, in urban, suburban, and rural areas, and work in all industries and businesses.⁶ There are an estimated 11.5 million LGB people aged 13 and older living in the United States, and, of that group, an estimated 7.1 million are LGB workers (aged 16 and older).⁷ More than half of those workers live in states without statutory protections against sexual orientation discrimination in employment.⁸

LGB people face discrimination in vital aspects of life, from employment,⁹ to housing,¹⁰ education,¹¹

⁶ Movement Advancement Project, *Where We Call Home: LGBT People in Rural America* (2019), <http://www.lgbtmap.org/file/lgbt-rural-report.pdf>; András Tilcsik et al., *Concealable Stigma and Occupational Segregation: Toward a Theory of Gay and Lesbian Occupations*, 60 *Admin. Sci. Q.* 446 (2015).

⁷ Kerith J. Conron & Shoshana K. Goldberg, Williams Inst., *LGBT Protections From Discrimination: Employment and Public Accommodations* (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/NonDiscrimWorkPubAccom.pdf>.

⁸ *Id.*

⁹ *See infra* Section II.A.

¹⁰ *See, e.g.*, Diane K. Levy et al., Urban Inst., *A Paired-Testing Pilot Study of Housing Discrimination Against Same-Sex Couples and Transgender Individuals* 63 (2017), https://www.urban.org/sites/default/files/publication/91486/2017.06.27_hds_lgt_final_report_report_finalized.pdf; Samantha Friedman et al., Office of Policy Dev. & Research, U.S. Dep't of Hous. & Urban Dev., *An Estimate of Housing Discrimination Against*

public accommodations,¹² and social interactions.¹³ Sexual orientation discrimination hinders LGB people from meaningfully contributing to their workplaces, professions, and communities. Such discrimination prevents LGB people from obtaining employment, from fully engaging and openly participating in the workplace, and from retaining jobs for which they are well qualified and have much to offer. Countless LGB workers have been terminated on the basis of their sexual orientation. Frank Kameny, the gay rights pioneer, was a Harvard-educated astronomer who fought in World War II and was terminated by the Army Map Service in 1957 because he was gay.¹⁴

Same-Sex Couples 14-15 (2013), https://www.huduser.gov/portal/publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf.

¹¹ See, e.g., Susan Rankin et al., *Campus Pride, 2010 State of Higher Education for Lesbian, Gay, Bisexual, and Transgender People* (2010), <https://www.campuspride.org/wp-content/uploads/campuspride2010lgbtreportsummary.pdf>; Laura Kann et al., Ctrs. for Disease Control & Prevention, U.S. Dep't of Health & Human Servs., *Youth Risk Behavior Surveillance—United States, 2017*, 67 *Morbidity & Mortality Wkly. Rep. Surveillance Summary*, June 15, 2018, at 15, 17–19, <https://www.cdc.gov/mmwr/volumes/67/ss/pdfs/ss6708a1-H.pdf>.

¹² See, e.g., Andrew Burwick et al., Office of Planning, Research & Evaluation, Admin. for Children & Families, U.S. Dep't of Health & Human Servs., OPRE Rep. No. 2014-79, *Human Services for Low-Income and At-Risk LGBT Populations: An Assessment of the Knowledge Base and Research Needs* (2014) https://www.acf.hhs.gov/sites/default/files/opre/lgbt_hsneeds_assessment_reportfinal1_12_15.pdf.

¹³ See, e.g., R. Kent Piacenti, *Toward a Meaningful Response to the Problem of Anti-Gay Bullying in American Public Schools*, 19 *Va. J. Soc. Pol'y & L.* 58 (2011).

¹⁴ Michael S. Rosenwald, *The Gay Rights Pioneer Who Demanded Justice from the Supreme Court in 1960*, *Wash. Post* (June 9, 2018), https://www.washingtonpost.com/news/retropolis/wp/2018/06/09/the-gay-pride-pioneer-who-demanded-justice-from-the-supreme-court-in-1960/?utm_term=.7ad5e17f623a.

Despite the efforts of Kameny and other LGB rights activists, LGB employees continue to face discrimination resulting in termination on the basis of their sexual orientation. Examples abound. Milton Elwood Stroder, a public employee in the Department of Income Support for the Kentucky Cabinet Health and Family Services, was fired for being openly gay at work;¹⁵ Robert Visconti, a thirty-five-year-old social studies teacher lost his job after displaying a rainbow flag bumper sticker on his car and listing his partner as a life-insurance beneficiary;¹⁶ Mirella Salemi, a chef and manager at a New York City restaurant was subjected to disparaging comments about being a lesbian and subsequently lost her job after refusing to fire another employee for being gay;¹⁷ and Jane Meyer, the highest-ranking woman in the University of Iowa athletic department, was first reassigned and then forced out because she was a lesbian who was outspoken about gender inequalities in the department.¹⁸

Sexual orientation discrimination not only harms LGB employees professionally, but also causes financial and emotional harm to LGB workers and their families. Such discrimination can propel LGB people toward or exacerbate poverty. Poverty rates among LGB people are higher than those of non-LGB peo-

¹⁵ *Stroder v. Ky. Cabinet for Health & Family Servs.*, No. 3:09-cv-00947, 2012 WL 1424496 (W.D. Ky. Apr. 24, 2012).

¹⁶ Stewart Ain, *Jury Awards \$92,000 to Hicksville Teacher*, N.Y. Times, March 23, 2003.

¹⁷ *Salemi v. Gloria's Tribeca, Inc.*, 115 A.D.3d 569 (N.Y. App. Div. 2014).

¹⁸ Mark Emmert, *Jane Meyer Wins \$1.43M in Case Against Iowa*, Des Moines Register (May 4, 2017), <https://www.desmoinesregister.com/story/sports/college/iowa/hawkcentral/2017/05/04/jane-meyer-wins-1-43-m-case-against-iowa/310303001/>.

ple.¹⁹ Children of same-sex couples experience poverty rates twice that of children in different-sex-couple households.²⁰ These consequences of employment discrimination also damage the emotional and physical health of LGB persons.

Thus, the Court’s resolution of whether Title VII covers sexual orientation discrimination as a form of sex discrimination will have a substantial impact on millions of LGB workers throughout the United States – especially those living in the many places without state or local protections – and has the potential to rectify the pernicious effects of discrimination when it occurs, furthering Title VII’s purpose of “strik[ing] at the entire spectrum of disparate treatment of men and women in employment,” *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 64 (1986)), including with respect to discrimination involving sex stereotyping, *Price Waterhouse*, 490 U.S. at 240–42, 258 (plurality opinion).

ARGUMENT

I. TITLE VII PROHIBITS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

Sexual orientation discrimination is sex discrimination because an employee’s sex is necessarily a defining factor of their real or perceived sexual orienta-

¹⁹ See M.V. Lee Badgett, *Left Out? Lesbian, Gay, and Bisexual Poverty in the U.S.*, 37 Population Res. & Pol’y Rev. 667 (2018); see also Brad Sears & Lee Badgett, *Beyond Stereotypes: Poverty in the LGBT Community*, The Williams Institute (June 2012) <https://williamsinstitute.law.ucla.edu/williams-in-the-news/beyond-stereotypes-poverty-in-the-lgbt-community/>.

²⁰ Sears & Badgett, *supra* note 19.

tion.²¹ Moreover, social science research shows that “sexual orientation discrimination is almost invariably rooted in stereotypes about men and women,” further demonstrating that sexual orientation is a subset of sex discrimination.²²

Although it was not the principal concern Congress was attempting to address when it enacted Title VII, sexual orientation discrimination nevertheless is a “comparable evil[]” to other forms of sex discrimination prohibited by Title VII.²³ This Court in *Oncale* held that Title VII prohibits certain forms of discrimination – in that case, same-sex harassment – even if that type of discrimination was not the original target of the statute. Writing for a unanimous Court, Justice Scalia reasoned that “male-on-male sexual harassment in the workplace was assuredly not the principal evil Congress was concerned with when it enacted Title VII” but “statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils.”²⁴ Title VII prohibits discrimination because of sex and this “must extend to sexual harassment of any kind that meets the statutory requirements.”²⁵

Likewise, here, even though Congress did not explicitly enumerate sexual orientation discrimination in enacting Title VII, research demonstrates that sexual orientation is a form of discrimination based

²¹ *Zarda v. Altitude Express, Inc.*, 883 F.3d 100, 112 (2d Cir. 2018) (en banc), *cert. granted*, 139 S. Ct. 1599 (2019).

²² *Id.* at 119.

²³ *See Oncale*, 523 U.S. at 79.

²⁴ *Id.*

²⁵ *Id.* at 80.

on sex and thus is a reasonably comparable evil covered by the statutory prohibitions in Title VII.

A. Sexual Orientation Discrimination Is A Subset Of Sex Discrimination Because It Is Based On Traits That Are A Function Of Sex.

As the U.S. Court of Appeals for the Second Circuit held, “the most natural reading of the statute’s prohibition on discrimination ‘because of . . . sex’ is that it extends to sexual orientation discrimination because sex is necessarily a factor in sexual orientation.”²⁶ *Amici* agree with the Second Circuit’s understanding that “one cannot fully define a person’s sexual orientation without identifying his or her sex.”²⁷

A man is referred to as “gay” if he is physically and/or emotionally attracted to other men. A woman is referred to as “lesbian” if she is physically and/or emotionally attracted to other women. Someone is referred to as “heterosexual” or “straight” if he or she is physically and/or emotionally attracted to someone of the opposite sex.²⁸ And someone is referred to as bisexual if he or she is physically and/or emotionally attracted to someone of either sex.

Similarly, according to the Institute of Medicine, “the focus of sexual orientation is the biological sex of a person’s actual or potential relationship partners” and “sexual orientation is inherently a relational construct” because it “depends on the biological sex of the

²⁶ *Zarda*, 883 F.3d at 112; accord *Hively v. Ivy Tech Cmty. Coll. of Ind.*, 853 F.3d 339, 346–47 (7th Cir. 2017) (en banc).

²⁷ *Zarda*, 883 F.3d at 113.

²⁸ *Baldwin v. Foxx*, Appeal No. 00120133080, 2015 WL 4397641, at *5 (E.E.O.C. 2015) (citing Am. Psychological Ass’n, *Definitions of Terms: Sex, Gender, Gender Identity, Sexual Orientation* (Feb. 2011)).

individuals involved, *relative to each other*.”²⁹ Indeed, “sexual orientation is measured chiefly by the relationship the sex of the object(s) of one’s sexual desire bears to one’s own sex, *i.e.*, whether the object(s) of one’s desire are of the same or of a different sex than oneself.”³⁰ Accordingly, it is clear that sexual orientation cannot be separated or understood apart from sex.

B. Sexual Orientation Discrimination Is Rooted In Gender Stereotypes.

Beyond the fact that sexual orientation, by definition, is sex-based, social science research confirms that sexual orientation discrimination is inextricably intertwined with sex-based norms and expectations. In *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), this Court held that Title VII prohibits discrimination based on stereotypical notions of how men and women should behave.³¹ In other words, gender stereotyping is evidence of impermissible sex discrimi-

²⁹ Inst. of Med., *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding* 27 (2011).

³⁰ Benjamin Berkman, Comment, *Eliminating the Distinction Between Sex and Sexual Orientation Discrimination in Title VII’s Antiretaliation Provisions*, 2014 U. Chi. Legal F. 533, 555 (2014) (quoting Mary Anne C. Case, *Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence*, 105 Yale L.J. 1, 13 (1995)).

³¹ See also *Phillips v. Martin Marietta Corp.*, 400 U.S. 542, 545 (1971) (Marshall, J., concurring) (per curiam) (“By adding the prohibition against job discrimination based on sex to the 1964 Civil Rights Act Congress intended to prevent employers from refusing to hire an individual based on stereotyped characterizations of the sexes.”) (footnote omitted).

nation.³² Gender discrimination entails “negative treatment for failing to adhere to the traditional norms of one’s gender,”³³ and may include comments that call into question a woman’s femininity or a man’s masculinity. Discrimination against LGB people manifests as gender discrimination because LGB people are perceived to flout gender norms and stereotypes.

For example, gender norms for men dictate that they be sexually attracted only to women and engage in behaviors intended to compete with other men and impress women,³⁴ while gender norms for women likewise dictate that they pursue and form romantic relationships only with men, and act and dress in a manner intended to be sexually attractive to men.³⁵

³² See, e.g., *Glenn v. Brumby*, 724 F. Supp. 2d 1284, 1305 (N.D. Ga. 2010), *aff’d*, 663 F.3d 1312 (11th Cir. 2011) (holding that discrimination against a transgender person because of their gender non-conformity is sex discrimination); *Smith v. City of Salem*, 378 F.3d 566, 572 (6th Cir. 2004) (“The Supreme Court made clear that in the context of Title VII, discrimination because of ‘sex’ includes gender discrimination.”); *Schwenk v. Hartford*, 204 F.3d 1187, 1201–02 (9th Cir. 2000) (“Discrimination because one fails to act in the way expected of a man or woman is forbidden under Title VII.”).

³³ Julie Konik & Lilia M. Cortina, *Policing Gender at Work: Intersections of Harassment Based on Sex and Sexuality*, 21 Soc. Just. Res. 313, 320 tbl.1 (2008).

³⁴ Verónica Caridad Rabelo & Lilia M. Cortina, *Two Sides of the Same Coin: Gender Harassment and Heterosexist Harassment in LGBQ Work Lives*, 38 L. & Hum. Behav. 378, 380 (2014) [hereinafter *Two Sides*].

³⁵ See Konik & Cortina, *supra* note 33, at 316–18; see also *Hively v. Ivy Tech Cmty. Coll. of Ind.*, 830 F.3d 698, 711 (7th Cir. 2016) (noting that “all gay, lesbian and bisexual persons fail to comply with the sine qua non of gender stereotypes — that all men should form intimate relationships only with women, and all women should form intimate relationships only with men”),

Indeed, “[g]ender development is generally examined in terms of three components: gender identity . . . gender role behavior . . . and sexual orientation”³⁶

LGB people face high rates of discrimination precisely because they deviate from gender norms that mandate heterosexuality.³⁷ In other words, “it is the same-sex relationship behaviors themselves . . . that violate prescribed gender role expectations.”³⁸

Surveys of LGB people and their discrimination experiences further demonstrate that the underpinnings of sexual orientation discrimination are based on gender. Researchers assessing LGB people’s experience of discrimination found prejudice arising from perceived gender nonconformity to be significant, complex, and severe, with antigay incidents containing “the intersection of multiple forms of prejudice” including harassment based on both gender and gender non-conformity because of one’s sexual orientation.³⁹ The intersection between gender-based and sexual orientation-based harassment observed in the research confirms that, when it comes to the real-life

rev’d on reh’g en banc, 853 F.3d 339 (7th Cir. 2017) (holding that discrimination on the basis of sexual orientation violates Title VII).

³⁶ Susan Golombok, *Modern Families: Parents and Children in New Family Forms* 38 (2015).

³⁷ *Two Sides*, *supra* note 34, at 380.

³⁸ Carol M. Doyle et al., *Perceptions of Same-Sex Relationships and Marriage as Gender Role Violations: An Examination of Gendered Expectations (Sexism)*, 62 J. Homosexuality 1576, 1592 (2015).

³⁹ See Allegra R. Gordon & Ilan H. Meyer, *Gender Nonconformity as a Target of Prejudice, Discrimination, and Violence Against LGB Individuals*, 3 J. LGBT Health Res. 55, 56, 64 (2007).

experiences of LGB people, “[h]arassing acts targeting sexual orientation (heterosexist harassment) and gender nonconformity (‘policing’ gender harassment) are virtually indistinguishable for LGBQ employees.”⁴⁰ Any boundary between the two is a legal fiction.⁴¹

The social science and other research described above is consistent with this Court’s understanding of sex and gender articulated in *Price Waterhouse*. In *Price Waterhouse*, the female senior manager at the firm was denied partnership despite her strong performance and qualifications because her behavior and appearance violated expectations of traditional feminine behavior.⁴² This Court held that this type of gender or “sex stereotyping” is a form of sex discrimination prohibited by Title VII.

Sexual orientation discrimination is simply another way to enforce sex and gender stereotypes. *Price Waterhouse* and its progeny are highly instructive on the question presented here.

⁴⁰ *Two Sides*, *supra* note 34, at 386.

⁴¹ *See id.* (“[G]ender-based and sexuality-based harassment combine in LGBQ work lives: where there is one, you will typically find the other.”); Konik & Cortina, *supra* note 33, at 331 (finding a very high correlation between gender-based and sexuality-based harassment); Mary E. Kite & Bernard E. Whitley, Jr., *Sex Differences in Attitudes Toward Homosexual Persons, Behaviors, and Civil Rights: A Meta-analysis*, 22 *Personality & Soc. Psychol. Bull.* 336, 338 (1996) (a study suggesting that “separating generalized beliefs about women and men from beliefs about gay men and lesbians may be difficult, if not impossible”).

⁴² *See Price Waterhouse*, 490 U.S. at 235–36 (plurality opinion).

C. Differences In The Text Of The Equal Pay Act And Title VII Illustrate Title VII's Broader Scope.

Differences in the texts of the Equal Pay Act and Title VII—which both prohibit sex discrimination—also support the conclusion that Title VII's prohibition of sex discrimination covers a broader range of discriminatory conduct, including sexual orientation discrimination.⁴³

The Equal Pay Act of 1963 was adopted before Title VII and also prohibits sex discrimination. The Equal Pay Act provides that:⁴⁴

[n]o employer . . . shall discriminate . . . between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to *employees of the opposite sex* in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility

From the text of the Equal Pay Act, it is clear that the statute more narrowly defines discrimination “based on sex.” Specifically, to establish an Equal Pay Act violation, the employee must show that he or she was paid differently than a person of the different sex for substantially equal work.⁴⁵ Therefore, the Equal Pay Act, unlike Title VII, expressly requires equality between the sexes and therefore a different-sex comparator. Conversely, Title VII does not require the different-sex comparator, and instead requires an examination of each case on an individual basis.

⁴³ Romero, *supra* note 5, at 39, 90–92.

⁴⁴ 29 U.S.C. § 206(d)(1) (2012).

⁴⁵ *Riser v. QEP Energy*, 776 F.3d 1191, 1196 (10th Cir. 2015).

The use of “opposite” in the Equal Pay Act, but not in Title VII demonstrates Congress’ contemporaneous ability to write a narrower statute explicitly requiring a different-sex comparator. The fact that Title VII does not require such a comparator strengthens the conclusion that Title VII covers discrimination motivated by an employee’s actual or perceived sexual orientation and not just discrimination based on gender differentiation.

II. LGB PEOPLE FACE PERSISTENT AND PERVASIVE EMPLOYMENT DISCRIMINATION.

A. LGB People Experience Employment Discrimination Nationally.

There is substantial evidence demonstrating persistent and pervasive discrimination against LGB workers throughout the country. This evidence—in the form of employee surveys, court cases and administrative complaints, controlled job application experiments, and wage studies—shows that LGB people face discrimination in all aspects of employment.

First, numerous surveys of LGB workers demonstrate that sexual orientation discrimination in the workplace is widespread. According to a recent sample representative of the U.S. population, LGB people are significantly more likely to report experiences of discrimination at work than their heterosexual peers. Among LGB people, 60% reported being fired from or denied a job and 48% reported being denied a promotion or receiving a negative evaluation, compared to 40% and 32% respectively among heterosexuals.⁴⁶

⁴⁶ Ilan H. Meyer, Williams Inst., *Experiences of Discrimination among Lesbian, Gay and Bisexual People in the US* (2019),

Similarly, a 2017 nationally representative survey conducted by the Center for American Progress found that one in four LGBT people had experienced some type of sexual orientation-based discrimination within the past year.⁴⁷ Of those who experienced discrimination, 52.8% reported that it negatively impacted their work environment.⁴⁸

These recent results are consistent with earlier findings. For example, a 2008 General Social Survey conducted by the National Opinion Research Center at the University of Chicago found that 42% of the nationally representative sample of LGB workers had experienced at least one form of employment discrimination because of their sexual orientation.⁴⁹ Of those who faced discrimination, 35% reported being harassed while 16% reported losing a job.⁵⁰ Furthermore, 25% of respondents who worked for the federal, state, or local government reported having experienced employment discrimination because of their sexual orientation.⁵¹ In each instance, the percentage

<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Discrimination-Work.pdf>.

⁴⁷ Sejal Singh & Laura E. Durso, *Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways*, Center for American Progress (2017), <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/>.

⁴⁸ *Id.*

⁴⁹ Brad Sears & Christy Mallory, Williams Inst., *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* 4 (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf> (citing the 2008 General Social Survey).

⁵⁰ *Id.*

⁵¹ *Id.*

of respondents facing discrimination was far higher for those workers who were open about their sexual orientation in the workplace.⁵²

Second, administrative complaints and court cases provide further evidence of the sexual orientation discrimination experienced by LGB workers. From 2013 to 2018, the Equal Employment Opportunity Commission (“EEOC”) received over 8,600 complaints of workplace discrimination on the basis of sexual orientation.⁵³ These complaints range from being subjected to homophobic slurs in the workplace,⁵⁴ to facing physical harassment,⁵⁵ being passed over for promotion,⁵⁶ and having one’s safety threatened.⁵⁷ In addition, a recent study analyzed administrative complaints filed with numerous state agencies between 2008 and 2014 and found that complaints about sexual orientation employment discrimination, on a per capita basis, were similar in number to racial minorities and women asserting race and sex discrimination in employment.⁵⁸

⁵² *Id.* at 5 fig.1.

⁵³ U.S. Equal Emp’t Opportunity Comm’n, *LGBT-Based Sex Discrimination Charges*, https://www.eeoc.gov/eeoc/statistics/enforcement/lgbt_sex_based.cfm (last visited June 27, 2019).

⁵⁴ *Couch v. Chu*, Appeal No. 0120131136, 2013 WL 4499198 (E.E.O.C. Aug. 13, 2013).

⁵⁵ *Matthew R. v. Mabus*, Appeal No. 0120152376, 2013 WL 758021 (E.E.O.C. Feb. 9, 2016).

⁵⁶ *Baldwin*, 2015 WL 4397641, at *6.

⁵⁷ *Morris v. McHugh*, Appeal No. 0120130749, 2013 WL 2368686 (E.E.O.C. May 23, 2013).

⁵⁸ See Christy Mallory & Brad Sears, Williams Inst., *Evidence of Employment Discrimination Based on Sexual Orientation and Gender Identity: An Analysis of Complaints Filed with State Enforcement Agencies, 2008-2014* (2015), <https://williamsinstitute>.

Cases filed in federal court reflect similar acts of discrimination to those resolved by the EEOC, including the two cases presently before the Court. *See also, e.g., Roberts v. UPS, Inc.*, 115 F. Supp. 3d 344, 350, 374–75 (E.D.N.Y. 2015) (employee was told by a co-worker that she was “going to hell” for being a lesbian and employer retaliated when she complained about the hostile work environment); *Hall v. BNSF Ry.*, No. C13-2160 RSM, 2014 WL 4719007, at *1 (W.D. Wash. Sept. 22, 2014) (employer denied health benefits to legally married same-sex couples while providing them to similarly situated different-sex couples); *Koren v. Ohio Bell Tel. Co.*, 894 F. Supp. 2d 1032, 1037–39 (N.D. Ohio 2012) (married gay employee’s co-workers refused to call him by his married name because they did not approve of his same-sex marriage); *Heller v. Columbia Edgewater Country Club*, 195 F. Supp. 2d 1212, 1225 (D. Or. 2002) (employee’s supervisor regularly subjected lesbian employee to derogatory and sexually perverse comments reflecting contempt for her sexual orientation). These cases are just a few of the thousands that were brought to the attention of administrative agencies and courts; countless other acts of employment discrimination across the country go unreported given the stigma, embarrassment, and perception that there is no adequate remedy on the part of LGB employees.

law.ucla.edu/wp-content/uploads/Employment-Discrimination-Complaints-2008-2014.pdf (finding nationally, on average, approximately 4 to 5 complaints per 10,000 protected workers are filed per year; 4.6 complaints of sexual orientation and gender identity discrimination are filed for every 10,000 LGBT employees each year; 4.9 complaints of race discrimination are filed for every 10,000 workers of color; and 3.7 complaints of sex discrimination filed for every 10,000 female workers).

Third, studies prove that LGB people also experience discrimination when seeking job opportunities. Controlled experiments have shown discrimination against LGB job applicants. A 2016 field experiment where two fictitious women’s résumés were sent to apply for 800 administrative jobs across four states found that the résumé that was randomly assigned leadership experience at an LGBT student organization received 30% fewer callbacks than a control résumé that was assigned experience at another, progressive (non-LGBT) student organization.⁵⁹ Similarly, in an experiment conducted in 2005, pairs of fictitious résumés—one which included a “signal” that the applicant was a gay man, and the other which was a control résumé that did not—were sent to 1,769 white-collar entry-level job postings across California, New York, Pennsylvania, Nevada, Florida, Ohio, and Texas.⁶⁰ The experiment found that the gay male applicant was 40% less likely than the heterosexual applicant to receive a callback.⁶¹ In other words, the callback gap in the experiment implied that a heterosexual applicant had to apply to fewer than nine jobs to receive a callback, while a gay job seeker needed to apply to almost fourteen jobs to achieve the same result.⁶²

These studies suggest that geography also plays a role in how much sexual orientation discrimination in

⁵⁹ Emma Mischel, *Discrimination Against Queer Women in the U.S. Workforce: A Résumé Audit Study*, Socius: Sociological Research for a Dynamic World, Jan. 2016, <https://journals.sagepub.com/doi/pdf/10.1177/237802311562131>.

⁶⁰ András Tilcsik, *Pride and Prejudice: Employment Discrimination Against Openly Gay Men in the United States*, 117 Am. J. Soc. 586, 599–601 (2011).

⁶¹ *Id.* at 605–06.

⁶² *Id.*

job searches occurs, demonstrating the need for federal protections against sexual orientation discrimination. The same 2005 study that found 40% fewer callbacks for gay applicants showed the callbacks gap varied substantially between states.⁶³ The gaps in the Southern and Midwestern states in the sample (Florida, Texas, and Ohio) were substantially higher than the total average of the experiment.⁶⁴ In fact, the callback gaps in Texas and Ohio were more than double the total average of the experiment.⁶⁵ A 2010 experiment that sent three fictitious résumés (one straight male, one straight female, and one gay or lesbian person) to job postings in the four large cities of Chicago, Dallas, Philadelphia, and San Francisco, found no discrimination against gay job applicants.⁶⁶ These metropolitan areas are known to have robust LGB communities and have state and/or local anti-discrimination laws that expressly cover sexual orientation discrimination.⁶⁷

Finally, LGB workplace discrimination is reflected in wage disparities. A meta-analysis examining more than thirty separate studies found that gay men, on average, earn 11% less than comparable straight men, with one study showing a gap as high as 30%.⁶⁸

⁶³ *Id.* at 606.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Mischel, *supra* note 59, at 2.

⁶⁷ *Id.* at 2–3.

⁶⁸ Marieka M. Klawitter, *Meta-Analysis of the Effects of Sexual Orientation on Earnings*, 54 *Indus. Rel.* 4, 21–25 (2015). Some of these studies were conducted outside the United States. In addition, the meta-analysis finds that lesbian women see an earnings advantage over comparable straight women of 9% on average, but suggests there are reasons for this result other

Discrimination was the likely explanation for this “income penalty” imposed on gay men, which exists despite gay men being more educated on average than straight men.⁶⁹ Moreover, the income penalty is higher for gay men who work in private-sector jobs than it is for those working in the more highly regulated public sector.⁷⁰ It persists even when controlling for variables such as occupation type or industry.⁷¹

B. LGB People Face Higher Levels Of Discrimination In States Without Antidiscrimination Laws.

LGB workers located in states without sexual orientation employment discrimination laws face higher levels and more serious forms of discrimination than employees working in states with antidiscrimination laws expressly prohibiting sexual orientation discrimination. Only twenty-two states⁷² and the District of

than a lack of discrimination. For example, lesbian women who do not expect their own earnings to be balanced by a higher earning male partner might work more or in more intensive jobs, or invest more in human capital. Furthermore, lesbians may be less likely than heterosexual women to leave the workforce to raise children – a factor that often decreases women’s lifetime earnings and exacerbates the gender pay gap.

⁶⁹ *Id.* at 23.

⁷⁰ *Id.* at 22.

⁷¹ *Id.* at 18.

⁷² The twenty-two states are: California (Cal. Gov’t Code § 12940 (West 1992)); Colorado (Colo. Rev. Stat. § 24-34-402 (2007)); Connecticut (Conn. Gen. Stat. § 46a-60a (1991)); Delaware (Del. Code Ann. tit. 19, § 716 (2009)); Hawaii (Haw. Rev. Stat. § 378-2 (1991)); Illinois (775 Ill. Comp. Stat. 5/1-101 (2006)); Iowa (Iowa Code § 216.86 (2007)); Maine (Me. Stat. tit. 5, § 4571 (2005)); Maryland (Md. Code Ann. § 20-606 (2014)); Massachusetts (Mass. Gen. Laws ch. 151B, § 4 (1989)); Minnesota (Minn. Stat. § 363A.08 (1993)); Nevada (Nev. Rev. Stat.

Columbia⁷³ have enacted anti-discrimination statutes expressly enumerating sexual orientation as a protected characteristic in employment, leaving more than 3.5 million LGB workers without any express statutory protections against sexual orientation discrimination.⁷⁴ Given the pervasiveness of employment discrimination against LGB people,⁷⁵ continued recognition that Title VII's prohibition of sex discrimination encompasses sexual orientation discrimination – as currently recognized by the EEOC and the Second and Seventh Circuits – would ensure more favorable workplace environments nationally for millions of LGB employees.⁷⁶

A recent study of employment discrimination charges filed in states with anti-discrimination laws versus those without shows that LGB people face

§ 633.310 (1999)); New Hampshire (N.H. Rev. Stat. Ann. § 354-A:7 (1997)); New Jersey (N.J. Stat. Ann. § 10:4 (West 1992)); New Mexico (N.M. Stat. Ann. § 28-1-7 (2003)); New York (N.Y. Exec. Law § 296 (McKinney 2002)); Oregon (Or. Rev. Stat. § 659A.030 (2007)); Rhode Island (28 R.I. Gen. Laws § 28-5-7 (1995)); Utah (Utah Code Ann. § 34A-5-106 (West 2015)); Vermont (Vt. Stat. Ann. tit. 21, § 495 (1992)); Washington (Wash. Rev. Code § 49.60.180 (2006)); and Wisconsin (Wis. Stat. § 111.36 (1982)).

⁷³ D.C. Code § 2.1401 (1977).

⁷⁴ Conron & Goldberg, *supra* note 7.

⁷⁵ See, e.g., Christy Mallory & Brad Sears, *Discrimination Against State and Local Government LGBT Employees: An Analysis of Administrative Complaints*, 4 LGBTQ Pol'y J. 37 (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQPJ-MALLORYSEARS-2014.pdf> (noting employment discrimination as pervasive in both public and private sectors, at rates similar to discrimination based on sex and race).

⁷⁶ See Amanda K. Baumle et al., *New Research on Sexual Orientation and Gender Identity Discrimination: Effect of State Policy on Charges Filed at the EEOC*, J. Homosexuality (2019).

more severe discrimination in the absence of legal protection.⁷⁷ The most frequent types of sexual orientation discrimination alleged by LGB employees included termination, harassment, differential terms and conditions, unfair discipline, and sexual harassment.⁷⁸ Importantly, in states without anti-discrimination statutes expressly prohibiting sexual orientation discrimination, there were proportionally more charges that “alleged more serious issues of discrimination, including harassment and discharge, and contained retaliation as a basis,” as compared to states with statutes that expressly prohibit such discrimination.⁷⁹ For example, “a greater proportion of charges included allegations of harassment (52% vs. 41%) and discharge (58% vs. 51%).”⁸⁰

These findings indicate that LGB persons in states with anti-discrimination laws explicitly encompassing sexual orientation “might face less overt discrimination than individuals in states without nondiscrimination laws.”⁸¹ Legal context may play a role in discrimination because social stigma can be reflected and enforced through institutional policies. The perception that institutions do not offer protections to historically stigmatized groups implicitly condones

⁷⁷ A recent study published in April 2019 compared discrimination charges filed with the EEOC and the state and local Fair Employment Practices Agencies (FEPA). It found that the “legal and sociopolitical context are likely shaping the discriminatory experiences and disputing behaviors of LGBT individuals.” *Id.* at 8.

⁷⁸ *Id.* at 6–7 & tbl.3.

⁷⁹ *Id.* at 8 (noting the prevalence of harassment in discrimination charges was 10 percentage points higher in states without antidiscrimination laws).

⁸⁰ *Id.* at 6.

⁸¹ *Id.* at 8.

such discrimination.⁸² LGB people “may face less social acceptance” in states that do not offer protection against discriminatory employment practices based on sexual orientation.⁸³ “[G]reater social stigma” around sexual orientation “results in more egregious types of discrimination.”⁸⁴ Thus, “a more visible federal enforcement of Title VII laws, or an explicit non-discrimination law, could result in more favorable workplace environments for LGBT individuals residing in states without state-level protection.”⁸⁵

III. SEXUAL ORIENTATION DISCRIMINATION HAS PERNICIOUS EFFECTS ON LGB EMPLOYEES AND IS A COMPARABLE EVIL PROHIBITED BY TITLE VII.

A. Workplace Discrimination Has Negative Economic Effects On LGB Employees.

Studies show that greater perceived workplace discrimination is associated with higher job-related stress among LGB employees. Those employees who

⁸² See Gregory M. Herek, *Confronting Sexual Stigma and Prejudice: Theory and Practice*, 63 J. Soc. Issues 905 (2007) (theorizing that the law can serve to legitimize individual-level prejudice).

⁸³ Amira Hasenbush et al., Williams Inst., *The LGBT Divide: A Data Portrait of LGBT People in the Midwestern, Mountain & Southern States* 6 (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-divide-Dec-2014.pdf>.

⁸⁴ Baumle et al., *supra* note 76, at 9.

⁸⁵ *Id.* See e.g., M.V. Lee Badgett et al., Williams Inst., *The Business Impact of LGBT-Supportive Workplace Policies* 2 (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-LGBT-Policies-Full-May-2013.pdf> [hereinafter Badgett et al., *Business Impact*] (finding “fairly strong links between LGBT-supportive policies and workplace climates to less discrimination, improved health outcomes, increased job satisfaction, and greater job commitment.”).

experienced direct sexual orientation discrimination were found to have poorer physical and mental health than other employees.⁸⁶ Research also shows that employees who believed that they worked in a discriminatory workplace reported significantly lower levels of job commitment and significantly higher levels of anticipated turnover.⁸⁷

LGB employees are more likely to remain closeted if they believe that their employers discriminate on the basis of sexual orientation or are intolerant of LGB employees' expression of their sexual orientation. Yet, reduced levels of openness in the workplace not only inhibit workplace commitment and participation, but also negatively impact LGB employees' wages and economic standing. Studies show that LGB employees who are not out at work are less likely to be promoted than those who are.⁸⁸

⁸⁶ Badgett et al., *Business Impact*, *supra* note 85, at 11.

⁸⁷ *Id.* at 17; cf. Ellen A. Ensher et al., *Effects of Perceived Discrimination on Job Satisfaction, Organizational Commitment, Organizational Citizenship Behavior, and Grievances*, 12 Hum. Resource Dev. Q. 53 (2001), <http://www.scribd.com/doc/55985284/Effects-of-Perceived-Discrimination> (study of 366 ethnically diverse employees noted perceived supervisor and organizational discrimination in the workplace correlated to less organizational commitment and less job satisfaction); Elissa L. Perry et al., *An Exploration of Access and Treatment Discrimination and Job Satisfaction Among College Graduates With and Without Physical Disabilities*, 53 Hum. Rel. 923, 948 (2000) (access discrimination significantly reduced levels of job satisfaction, "which are often associated with increased levels of absenteeism and turnover").

⁸⁸ U.S. Chamber of Commerce Found., *Business Success and Growth Through LGBT-Inclusive Culture* 10 (2019), <https://www.uschamberfoundation.org/sites/default/files/Business-Success-Growth-LGBT-Inclusive-Culture-FINAL-WEB.pdf> (citing Sylvia Ann Hewlett & Karen Sumberg, *For LGBT Workers, Being "Out" Brings Advantages*, Harv. Bus. Rev., July-Aug.

Employment discrimination can also force LGB individuals into or make them more likely to remain in poverty. Employer bias and discrimination may make it more difficult for low-income LGB individuals to obtain and retain jobs that allow them to lift themselves and their families out of poverty.⁸⁹ Employer discrimination because of LGB persons' sexuality can also result in lower wages for these individuals, even if they have the same qualifications as their heterosexual colleagues.⁹⁰ Nondiscrimination laws thus can help prevent poverty by remedying discrimination and by reducing the risk of unemployment or loss of wages.⁹¹

B. Workplace Discrimination Causes Minority Stress And Other Negative Psychological Effects.

Stigma-related minority stress experienced by LGB individuals has been linked to health disparities, including disproportionately high rates of psychological distress, depression, anxiety, substance-use disorders, and suicidal ideation and attempts. LGB persons experience these types of psychological distress at rates that are two to three times greater than heterosexual persons.⁹² Because LGB people learn that they may be rejected and discriminated against, they

2011, <https://hbr.org/2011/07/for-lgbt-workers-being-out-brings-advantages>).

⁸⁹ Alyssa Schneebaum & M.V. Lee Badgett, *Poverty in US Lesbian and Gay Couple Households*, 25 *Feminist Econ.*, no. 1, at 25 (2019).

⁹⁰ *Id.* at 3.

⁹¹ M.V. Lee Badgett et al., Williams Inst., *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community* 25 (2013), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

⁹² Inst. of Med., *supra* note 29, at 190–98.

come to expect or fear such occurrences in day-to-day social interactions. The expectation of discrimination causes LGB individuals to be hyper-vigilant as they go through life anticipating potential bias or rejection. This state of vigilance is stressful and can be psychologically damaging to LGB people.⁹³

A survey of a nationally representative sample conducted in 2018 found that 46% of LGBT employees were not open about their sexual orientation or gender identity at work.⁹⁴ Of those employees, 38% said they were not out at work because they did not want to be stereotyped and 31% said they were not out because they did not want to lose connections or relationships with co-workers.⁹⁵ In addition, 13% of survey respondents said they did not report anti-LGBT comments they heard at work to their supervisors because they were afraid they would be terminated giv-

⁹³ See, e.g., Ilan H. Meyer, *Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence*, 129 *Psychol. Bull.* 674 (2003); see also *Lawrence v. Texas*, 539 U.S. 558, 584 (2003) (O'Connor, J., concurring) (stating that laws against sodomy, "subjects homosexuals to 'a lifelong penalty and stigma. A legislative classification that threatens the creation of an underclass'"); cf. Pamela J. Sawyer et al., *Discrimination and the Stress Response: Psychological and Physiological Consequences of Anticipating Prejudice in Interethnic Interactions*, 102 *Am. J. Pub. Health* 1020 (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483920/pdf/AJPH.2011.300620.pdf> (discussing the psychological and physiological consequences of anticipating prejudice).

⁹⁴ Deena Fidas & Liz Cooper, Human Rights Campaign Found., *A Workplace Divided: Understanding the Climate for LGBTQ Workers Nationwide* 6 (2018), <https://assets2.hrc.org/files/assets/resources/AWorkplaceDivided-2018.pdf>.

⁹⁵ *Id.*

en their perception that they worked in inhospitable environments.⁹⁶

That survey also found that 28% of respondents lied about their personal life at work, 20% avoided a social event at work, and 25% avoided certain people at work. Seventeen percent of respondents reported that they felt exhausted from hiding their sexual orientation at work.⁹⁷

Discrimination at work clearly takes its toll in other areas of life as well: of those who experienced sexual orientation based discrimination, 68.5% reported that it at least somewhat negatively affected their psychological well-being; 43.7% reported that it affected their physical well-being; 47.7% reported that it negatively impacted their spiritual well-being; and 56.6% reported that it negatively impacted their neighborhood and community environment.⁹⁸

Research shows that LGB people fare better in geographical regions where social and legal conditions are more hospitable to them. These studies suggest that anti-discrimination laws that prohibit sexual orientation discrimination help reduce minority stress and resultant health disparities.⁹⁹

⁹⁶ *Id.* at 7.

⁹⁷ *Id.*

⁹⁸ Singh & Durso, *supra* note 47.

⁹⁹ See Mark L. Hatzenbuehler et al., *State-Level Policies and Psychiatric Morbidity in Lesbian, Gay, and Bisexual Populations*, 99 Am. J. Pub. Health 2275 (2009); Mark L. Hatzenbuehler et al., *The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay, and Bisexual Populations: A Prospective Study*, 100 Am. J. Pub. Health 452 (2010).

C. LGB Workplace Discrimination Negatively Affects Employers And The Business Environment.

Employers also are negatively impacted by employment discrimination against LGB employees. As described above, when LGB employees feel compelled to conceal their sexual orientation from co-workers, they are subject to increased stress and feel less connection to their employer and co-workers, undermining workplace cohesion.¹⁰⁰ Discrimination against LGB employees deprives employers of the valuable contributions that such employees would make to their employers, to their professions, and to their communities.

Conversely, low levels of workplace discrimination and more openness about one's sexual orientation and gender identity are "linked to greater job commitment, improved workplace relationships, increased job satisfaction, improved health outcomes, and increased productivity among LGBT employees."¹⁰¹

Unsurprisingly, research indicates that businesses based in states that have enacted anti-discrimination statutes or policies prohibiting sexual orientation discrimination have higher levels of productivity and innovation. For example, businesses in such states had an 8% increase in the number of patents and an 11% increase in the number of patent citations compared

¹⁰⁰ See Brad Sears & Christy Mallory, Williams Inst., *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* 13–14 (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>.

¹⁰¹ Badgett et al., *Business Impact*, *supra* note 85, at 1.

with similar firms in states that did not pass such laws.¹⁰²

Consistent with these findings, almost all of the top 50 Fortune 500 companies and the top 50 federal government contractors (92%) state that, in general, diversity policies and generous benefit packages are good for their business.¹⁰³ Additionally, the majority of those companies (53%) have specifically linked policies prohibiting sexual-orientation discrimination (or a decision to extend domestic partner benefits to their employees) to improving their bottom line.¹⁰⁴

IV. PUBLIC OPINION CONFIRMS THAT TITLE VII SHOULD BE UNDERSTOOD TO PROHIBIT LGB EMPLOYMENT DISCRIMINATION.

A majority of Americans believe that LGB people face employment discrimination and support laws prohibiting sexual orientation discrimination in employment. For example, a recent survey from the Public Religion Research Institute found that nondiscrimination laws protecting LGBT people are widely supported across the United States and that roughly 70% of Americans favor laws protecting LGB people from discrimination in jobs, public accommodations,

¹⁰² Huasheng Gao & Wei Zhang, *Non-Discrimination Laws Make U.S. States More Innovative*, Harvard Business Review (Aug. 17, 2016), <https://hbr.org/2016/08/non-discrimination-laws-make-us-states-more-innovative>.

¹⁰³ Brad Sears & Christy Mallory, Williams Inst., *Economic Motives for Adopting LGBT-Related Workplace Policies* (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corporate-Statements-Oct-20111.pdf>.

¹⁰⁴ *Id.*

and housing.¹⁰⁵ “Support for these protections has remained steady over the past few years, with around seven in ten Americans reporting that they favor nondiscrimination provisions for LGBT people” between 2015 and 2017.¹⁰⁶ “These levels of support are similar to earlier, stable support for laws protecting gay and lesbian people against job discrimination, with roughly seven in ten supporting these protections in 2014 (72%), 2013 (73%), and 2011 (71%).”¹⁰⁷ And support for such anti-discrimination laws exists across demographic groups and geography.¹⁰⁸ A majority of businesses also support equality for LGBT people and laws prohibiting discrimination against them.¹⁰⁹

Furthermore, interpreting Title VII to cover sexual orientation discrimination would be consistent with what a plurality of Americans already believe to be true. A 2019 poll from Reuters/Ipsos, for instance, found that 45% of Americans (including 57% of registered Republicans) already believe that sexual orientation discrimination violates federal law.¹¹⁰ Thus, in affirming that Title VII prohibits sexual orientation

¹⁰⁵ Robert P. Jones et al., Pub. Religion Research Inst., *Fifty Years After Stonewall: Widespread Support for LGBT Issues – Findings from the 2018 American Values Atlas* (2019), <https://www.ppri.org/wp-content/uploads/2019/03/PRRI-Mar-2019-American-Values-Atlas.pdf>.

¹⁰⁶ *Id.* at 7.

¹⁰⁷ *Id.*

¹⁰⁸ *See id.* (discussing support for nondiscrimination protections for LGBT people broken out by different demographics – e.g., age, gender, race, religion, etc.).

¹⁰⁹ U.S. Chamber of Commerce Found., *supra* note 88, at 24.

¹¹⁰ Reuters & Ipsos, *Reuters/Ipsos Poll Data: Stonewall Anniversary Poll 06.06.2019* (2019), <https://static.reuters.com/resources/media/editorial/20190612/StonewallFinalResults.pdf>.

discrimination, the Court would be interpreting Title VII in a way that is supported by a majority of the American public and is consistent with the belief of many Americans that such discrimination already is prohibited.

CONCLUSION

For the foregoing reasons, the Court should affirm the judgment of the Second Circuit, reverse the judgment of the Eleventh Circuit, and conclude that Title VII's prohibition of discrimination on the basis of sex includes a prohibition on sexual orientation discrimination.

Respectfully submitted,

ADAM P. ROMERO
THE WILLIAMS INSTITUTE
UCLA SCHOOL OF LAW
385 Charles E. Young
Drive, East
Los Angeles, CA 90095
(310) 267-4382

DANA R. ANGOOD
PATRICK C. BRYANT
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
(212) 839-5300

July 3, 2019

JEFFREY T. GREEN*
JUSTIN R. BECKER
KATY (YIN YEE) HO
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
jgreen@sidley.com

CAROL LYNN THOMPSON
SIDLEY AUSTIN LLP
555 California Street
Suite 2000
San Francisco, CA 94104
(415) 772-1200

*Counsel of Record

Counsel for Amici Curiae

APPENDIX

LIST OF *AMICI CURIAE*

Institutional affiliations for identification purposes only.

1. **Katherine Allen**, Ph.D., is Professor of Human Development and Family Science at Virginia Polytechnic Institute and State University. She is the author of 200 scholarly journal articles, books, and chapters. She studies family diversity, vulnerability, and change over the life course using qualitative, intersectional, and feminist methodological approaches, in the area of non-normative family life course transitions. Her expertise in studying LGBTQ families includes ambiguous loss and complicated grief in LGBTQ family relationships; lesbian mother family formation, maintenance, and dissolution; and auto-ethnographic scholarship and pedagogy in researching, theorizing, and teaching about LGBTQ families. Dr. Allen is a member of six journal editorial boards, including the *Journal of Marriage and Family* and the *Journal of Sex Research*. She has received numerous university and national awards, including two lifetime achievement awards for her research—the Ernest Burgess Award for Outstanding Scholarly and Career Achievement in the Study of Families, and the Alexis Walker Award for Lifetime Achievement in Feminist Family Studies, both from the National Council on Family Relations. With Abbie Goldberg, she is currently editing the second edition of *LGBTQ-Parent Families: Innovations in Research and Implications for Practice*, to be published by Springer in 2020.

2. **Nadav Antebi-Gruszka**, Ph.D., is Adjunct Assistant Professor of Psychology at Columbia University and the City College of New York. Nadav has published peer-review articles on resilience,

pornography, sex work, and HIV prevention, as well as multiple encyclopedia entries and Op-Ed pieces about various LGBTQ+ issues. Nadav's work has been supported by numerous sources, including the American Psychological Foundation, the American Psychological Association, and the Kinsey Institute. Nadav earned their Ph.D. in sociomedical sciences from Columbia University. Nadav also works at two private practices in Manhattan where they have the privilege of working with diverse clients, and especially LGBTQ+ individuals.

3. **Sean Arayasirikul**, Ph.D., is Assistant Professor in Pediatrics at the University of California, San Francisco and Senior Research Scientist at the San Francisco Department of Public Health's Center for Public Health Research and Trans Research Unit for Equity. As a Medical Sociologist, his health equity research focuses on disparities in the health and lived experiences of sexual and gender minorities, domestically and globally. He is an expert in the social etiology of the types of stigma that sexual and gender minorities face (e.g. homophobia, transphobia, transmisogyny), multiple intersections of oppressive ideology (e.g. racism, classism, sexism) – and how resulting discrimination and violence impacts health disparities and inequity. He was an esteemed Minority Fellow of the American Sociological Association, an NIH-funded trainee in alcohol, substance abuse, and LGBT population health. He is currently a Diversity Scholar of the Adolescent Medicine Trials Network for HIV/AIDS Interventions. He is a Principal Investigator or Co-Investigator on several federally funded studies that include the following: large, observational cohort studies of HIV risk and resilience; PrEP uptake and adherence; mobile health interventions to improve HIV-related outcomes among

young people living with HIV; and stigma among trans women in Nepal.

4. **Emily A. Arnold**, Ph.D., is Associate Professor of Medicine at the University of California, San Francisco. She is an NIH-funded researcher who specializes in developing and testing HIV prevention interventions with sexual and gender minority communities. Her research interests lie at the intersections of culture and health behavior, particularly as this relates to gender, sexuality, and HIV-related risk behavior. Much of her work has been concerned with sexual culture among gay and bisexual men, and its influence on sexual identity, sexual behavior, and HIV-related risk practices.

5. **George Ayala**, Psy.D., is the Executive Director of MPact Global Action on Gay Men's Health and Rights. A clinical psychologist by training, he has conducted HIV social science and intervention research since 1996. His research has mainly focused on understanding the mechanisms through which social discrimination affects health.

6. **M.V. Lee Badgett**, Ph.D., is a Professor of Economics and serves on the faculty of the School of Public Policy at the University of Massachusetts Amherst, and is a Williams Distinguished Scholar at the Williams Institute at UCLA School of Law. Her current research focuses on poverty in the LGBT community, employment discrimination against LGBT people in the United States, and the cost of homophobia and transphobia in global economies. Dr. Badgett has written many journal articles and reports on economic and policy issues for LGBT people. Her newest book, *The Economic Case for LGBT Rights: Why Fair and Equal Treatment Benefits us All*, will be published in 2020. Dr. Badgett's book, *When Gay*

People Get Married: What Happens When Societies Legalize Same-Sex Marriage?, analyzes the positive U.S. and European experiences with marriage equality for gay couples. Her first book, *Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men*, presented her groundbreaking work debunking the myth of gay affluence. Dr. Badgett is also the author of *The Public Professor: How to Use Your Research to Change the World*. Dr. Badgett's work includes testifying as an expert witness in legislative matters and litigation (including as an expert witness in California's Prop 8 case), consulting with development agencies (World Bank and UNDP), analyzing public policies, consulting with regulatory bodies, briefing policymakers, writing op-ed pieces, speaking with journalists, and advising businesses.

7. **Amanda K. Baumle**, Ph.D., J.D. is Chair and Professor in the Department of Sociology at the University of Houston, and a prior Public Policy Fellow at the Williams Institute at UCLA School of Law. She is an expert in the fields of demography and sociology of law, and has published extensively books and articles on quantitative and qualitative research in the areas of demography of sexuality, labor demography, and LGBT individuals and the law. Dr. Baumle, along with Drs. M.V. Lee Badgett and Steven Boutcher, are conducting research on two large grant-funded projects that draw on the confidential EEOC charge data on sexual orientation and gender identity discrimination in employment. The first focuses on assessing the differences between charges and charge outcomes for federal contractors and non-contractors. The second examines the workplace experiences that prompt LGBT individuals to enter the dispute process by filing a charge with the EEOC or state FEPAs, including how workplace context and the presence or

absence of state-level nondiscrimination laws shape charges and charge outcomes. In addition, Dr. Baumle is a lawyer who previously practiced labor and employment law, including handling cases of discrimination filed under state and federal law.

8. **John R. Blosnich**, Ph.D., M.P.H., is Assistant Professor in the Division of General Internal Medicine at the University of Pittsburgh School of Medicine. His research areas of expertise include suicide risk among lesbian, gay, bisexual, and transgender (LGBT) individuals with specific attention to examining ways that patients' social determinants of health can be integrated with adaptive health care systems. He has served as principal investigator on several research awards from both the U.S. Department of Veterans Affairs and the National Institutes of Health that focus on the health and well-being of LGBT populations.

9. **Walter O. Bockting**, Ph.D., is Professor of Medical Psychology (in Psychiatry and Nursing) at Columbia University in the City of New York. He is a Clinical Psychologist and Co-Director of the Program for the Study of LGBT Health at Columbia University Irving Medical Center. His research interests are in LGBT health, gender identity development, successful aging, and the promotion of sexual health. He is an internationally known expert on the health of transgender and non-binary youth, adults, and their families, and is the author of numerous peer-reviewed publications in this area. Dr. Bockting is a past president of the World Professional Association for Transgender Health, and a past president and fellow of the Society for the Scientific Study of Sexuality. In 2010-2011, he served on the Institute of Medicine Committee of the National Academies whose work culminated in the Institute of Medicine's report *The*

Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding.

10. **Wendy Bostwick**, Ph.D., M.P.H., is Associate Professor in the Health Systems Science Department, College of Nursing, at the University of Illinois at Chicago. She received her MPH and Ph.D. in Community Health Sciences from UIC and completed post-doctoral training at the University of Michigan. She conducts research related to health disparities among sexual and gender minority populations, with a focus on mental health and substance use among bisexual populations. Using multiple methods, her work explores how discrimination, stigma, and prejudice, associated with race, gender, sexual orientation, and their intersection may affect mental and physical health among bisexual women and men. Her research has been supported by the National Institute on Drug Abuse, the National Institute on Minority Health and Health Disparities, and the American Institute of Bisexuality, among others. Her work has appeared in *Addiction*, *the American Journal of Public Health*, *the Archives of Sexual Behavior*, *LGBT Health*, and others. She serves on the Board of Directors of the Guttmacher Institute, Howard Brown Health Center, and is adjunct faculty at the Fenway Institute.

11. **Michael D. Boucai**, J.D., is Associate Professor at University at Buffalo School of Law (SUNY). He teaches Criminal Law and Family Law, as well as courses on gender, sexuality, and reproduction – his main areas of scholarly interest. A former fellow in the Williams Institute at UCLA, Boucai’s recent work has focused on LGBT-movement efforts to access the institutions of marriage and parenthood. “Glorious Precedents,” his study of the first same-sex marriage

cases, was awarded the 2016 Michael Cunningham Prize, one of three Dukeminier Awards bestowed annually in recognition of the best legal scholarship on sexual orientation and gender identity.

12. **Steven A. Butcher**, Ph.D., is Senior Research Fellow at the Institute for Social Science Research at UMass Amherst and Executive Officer of the Law and Society Association. His research focuses at the intersection of law, organizations, and social change. His current research focuses on Sexual Orientation and Gender Identity (“SOGI”) discrimination in large workplaces (with Lee Badgett and Amanda Baumle), and has been funded by the U.S. Department of Labor, the U.S. National Science Foundation, and the Gill Foundation.

13. **Sean R. Cahill**, Ph.D., is Director of Health Policy Research at the Fenway Institute. He has conducted research on anti-LGBT discrimination for nearly 30 years and has authored over 70 articles, chapters and monographs along with 3 books on LGBT and HIV issues. He holds academic appointments at Boston University School of Public Health and at Northeastern University.

14. **Christopher (Kitt) Carpenter**, Ph.D., is E. Bronson Ingram Professor of Economics and the Director of the Program in Public Policy Studies at Vanderbilt University. He is a health and labor economist who studies the effects of public policies on health and family outcomes. He has studied earnings and income differentials for sexual and gender minorities. He is Vice President of the Association for Public Policy Analysis and Management and Co-Founder of the American Economic Association’s Committee on the Status of LGBTQ+ Individuals in the Economics Profession. At Vanderbilt he directs the

Program in Public Policy Studies and the TIPS-supported Vanderbilt LGBT Policy Lab, and he is the faculty facilitator for Q&A (Queer & Asian). With interdisciplinary research teams he is studying the effects of legal access to same-sex marriage in the United States and Europe. He has also published extensively on the causes and consequences of youth substance use and on other health behaviors such as bicycle helmet use, seatbelt use, cancer screening, and vaccination. His research has been continuously supported by the National Institutes of Health, the Robert Wood Johnson Foundation, and the American Cancer Society. He is a Research Associate at the National Bureau of Economic Research and Editor at the *Journal of Health Economics*. He also serves on the Editorial Boards of *American Journal of Health Economics* and the *Journal of Policy Analysis and Management*.

15. **Logan S. Casey**, Ph.D., is Policy Researcher at the Movement Advancement Project, where he conducts research and oversees MAP's tracking and analysis of nearly 40 LGBT-related laws and policies across the 50 states and U.S. territories. His research focuses on LGBT people in American politics, including: public opinion and emotions about LGBT people and policies; LGBT people's experiences of discrimination and their impacts on health; transgender elected officials and candidates for office; LGBT people in rural communities; and federal, state, and local policies affecting LGBT people. He has published in multiple journals, edited volumes, and encyclopedias, and has earned multiple awards and grants from the American Political Science Association and the University of Michigan, among others. His publications include *Where We Call Home: LGBT People in Rural America*.

16. **Susan D. Cochran**, Ph.D., M.S., is Professor of Epidemiology at the UCLA Fielding School of Public Health with a joint appointment in the Department of Statistics. She has received numerous awards for her research and professional activities including the prestigious Award for Distinguished Contributions to Research in Public Policy from the American Psychological Association for her body of research on lesbian and gay life. She provided Expert Witness testimony in *Howard v. Child Welfare Agency Review* (Arkansas Department of Human Services), 2004 (legality of gay foster care providers), *Doe v. Doe, Miami-Dade County*, 2008 (legality of gay adoptive parents), and *Cole v. Arkansas*, 2010 (legality of unmarried partners adoption of children). She was also a member of the World Health Organization-ICD-11 Working Group on the Classification of Sexual Disorders and Sexual Health and a member of the American Psychological Association Senior Advisory Panel for the Development of the ICD-11 Manual. She served as Chair of the UCLA faculty in 2016-2017. Her current research program focuses on exploring the mechanisms by which social adversity affects health. Using funding from the National Institute on Mental Health, she is currently investigating proximal causes of suicide and homicide among LGBT individuals in the United States.

17. **Kate L. Collier**, Ph.D., M.P.H., is an independent scholar. She holds a Ph.D. in Social Sciences from the University of Amsterdam in the Netherlands. Her doctoral thesis (“Sexual and gender prejudice among adolescents and enacted stigma at school”) focused on peer victimization of sexual minority and gender non-conforming youth in secondary schools, including the psychosocial and health outcomes associated with such victimization,

teachers' responses to it, and the attitudes underlying victimizing behaviors. Her publications have appeared in journals such as *Archives of Sexual Behavior*, *Journal of Sex Research*, *Sex Roles, Culture, Health & Sexuality*, *Journal of Youth & Adolescence*, and *AIDS Education & Prevention*, among others. She has earned an M.P.H. from the Columbia University Mailman School of Public Health, and is also a certified health education specialist (CHES) and in public health (CPH).

18. **Kerith J. Conron**, Sc.D., is Blachford-Cooper Distinguished Scholar and Research Director at the Williams Institute at UCLA School of Law. She is a social and psychiatric epidemiologist whose work focuses on documenting and reducing health inequities that impact sexual and gender minority (LGBTQ) populations. She is committed to altering the landscape of adversity and opportunity for the most marginalized LGBTQ communities through collaborative activities that impact the social determinants of health. She has been supported by NIMHD to conduct community-based participatory research with LGBTQ youth of color and by NICHD to train scholars in LGBTQ population health research. She earned her doctorate from the Harvard School of Public Health and MPH from the Boston University School of Public Health. Her publications appear in the *American Journal of Public Health*, *Archives of Pediatrics and Adolescent Medicine*, and *Psychological Medicine*.

19. **Brian de Vries**, Ph.D., is Professor Emeritus of Gerontology at San Francisco State University, with adjunct appointments at both Simon Fraser University (in Vancouver) and the University of Alberta (in Edmonton). His professional influences can be seen in his roles as fellow of the Gerontological

Society of America (GSA), past Board member of the American Society on Aging (ASA), and former co-Chair of the LGBT Aging Issues Network constituent group. He was appointed to the Institute of Medicine's Board on the Health of Select Populations Committee which authored the influential book: *The Health of Lesbian, Gay, Bisexual and Transgender People: Building a Foundation for Better Understanding*. He has co-edited several professional journals and acclaimed academic books as well as authored or co-authored over 100 journal articles and book chapters, and has given over 150 presentations to local, national, and international professional audiences on the social and psychological well-being of midlife and older LGBT persons, among other topics. His research has been funded by several grants from the National Institutes of Health, the Ford Foundation, the Social Sciences and Humanities Research Council of Canada, and the Canadian Frailty Network, among other foundations and granting agencies.

20. **Janelle Downing**, Ph.D., is Assistant Professor at Oregon Health and Sciences University. Dr. Downing's background is in health policy. Dr. Downing's research focuses on the health of gender and sexual minority populations, and studies how policies (discrimination, health coverage, marriage equality, etc.) impact the health of these populations.

21. **Laura E. Durso**, Ph.D., is the vice president of the LGBT Research and Communications Project at the Center for American Progress, where she uses multiple research methodologies to study the health and well-being of LGBT communities in order to improve their social and legal standing through evidence-based public policy. Previously, she was a public policy fellow at the Williams Institute at UCLA School of Law, where she conducted research on the

LGBT community, including LGBT homeless and at-risk youth; poor and low-income LGBT people; and the business impact of LGBT-supportive policies. Her research has been published in high-impact, peer-reviewed journals, including *Sexuality Research and Social Policy*, *Perspectives on Psychological Science*, *Obesity*, and the *International Journal of Eating Disorders*. She has presented her work at both national and international conferences, such as giving the opening plenary talk at the GLMA 36th Annual Conference on LGBTQ Health. She is a past awardee of the Lesbian Health Fund.

22. **Rachel H. Farr**, Ph.D., is Assistant Professor of Psychology at the University of Kentucky. She received her Ph.D. in Developmental and Community Psychology from the University of Virginia and was a postdoctoral scholar at the University of Massachusetts Amherst. Her research focuses on diverse families, particularly those parented by LGBTQ adults and formed through adoption. For over 12 years, she has conducted a large longitudinal study about how parental sexual orientation relates to child, parent, and family outcomes among diverse adoptive families across the United States. The findings have been published in top-tier developmental psychology journals, such as *Child Development and Developmental Psychology*. Funded by the William T. Grant Foundation's Scholars Program, she is currently studying racially and socioeconomically diverse adolescents with LGBTQ parents. Her work has garnered national media attention (e.g., the New York Times, Washington Post, and National Public Radio).

23. **Jamie Feldman**, M.D., Ph.D., is Associate Professor Family Medicine and Community Health at the University of Minnesota. She has over 20 years' experience providing gender affirming care for adults

and adolescents at the University of Minnesota's, Center for Sexual Health, the largest transgender clinic in the Upper Midwest. She has made substantial contributions to transgender health through evidence-based review and standardization of medical interventions, as a co-author of the World Professional Association of Transgender Health's (WPATH) Standards of Care, Version 7 (Coleman et al., 2012), and developing a national agenda in transgender health research through a conference in partnership with the National Institutes of Health (R13 HD084267-01). She has also integrated clinical and research knowledge from the transgender health field with educational experience, creating educational materials in transgender health for the Association of American Medical Colleges. She has extensive research experience and peer-reviewed publications in transgender health overall, notably in the areas of HIV, primary care, and hormone therapy.

24. **Jessica N. Fish**, Ph.D., is Assistant Professor in the Department of Family Science at University of Maryland School of Public Health. Her research focuses on the health and well-being of LGBT people and their families. Broadly, her work attempts to explain how sociocultural and interpersonal factors shape the development and health of LGBT young people, including studies that demonstrate the deleterious impact of discrimination on the health of LGBT people across the life course. Dr. Fish has published over 40 peer-reviewed articles and book chapters and her work has been published in several leading journals, including *Pediatrics*, *Child Development*, *Journal of Adolescent Health*, and *Addiction*.

25. **Andrew R. Flores**, Ph.D., is Assistant Professor of Government at American University and

Visiting Scholar at the Williams Institute at UCLA School of Law. He is a political scientist studying public opinion and public policy on LGBTQ politics and policy. His research has appeared in numerous peer-reviewed journals including the *Proceedings of the National Academy of Sciences*, the *American Journal of Public Health*, *Public Opinion Quarterly*, and *Political Psychology*. He is currently on the American Political Science Association's Committee on the Status of LGBT People in the Profession and a member of the Consensus Committee on sexual and gender diversity convened by the National Academies of Sciences, Engineering, and Medicine.

26. **Karen Fredriksen Goldsen**, Ph.D., is Professor and Director of Healthy Generations Hartford Center of Excellence at the University of Washington. Dr. Fredriksen Goldsen is a nationally and internationally recognized scholar addressing health disparities in resilient at-risk communities. With over 20 years of consecutive external funding, Dr. Fredriksen Goldsen has led many federally funded landmark studies, including Aging with Pride: National Health, Aging, and Sexuality/Gender Study (R01), the first national longitudinal study of LGBT midlife and older adult health, investigating modifiable factors including the role of employment discrimination in health trajectories over time. She is also currently leading Aging with Pride: IDEA (Innovations in Dementia Empowerment and Action) (R01), the first federally funded study to develop and test related evidence-based interventions. She also serves as Investigator of Rainbow Ageing: The 1st National Survey of the Health and Well-Being of LGBTI Older Australians, investigating pathways for evidence-based policy and practice initiatives. She was selected in PBS's Next Avenue's inaugural top U.S. 50

Influencers in Aging and is a Fellow of the American Academy of Social Welfare and the Gerontological Society of America, and is a Hartford Scholar. She received her Ph.D. from the University of California, Berkeley.

27. **David M. Frost**, Ph.D., is Associate Professor in Social Psychology in the Department of Social Science at University College London. His research interests sit at the intersections of stress, stigma, health, sexuality, and close relationships. His primary line of research focuses on how stigma, prejudice, and discrimination constitute minority stress and, as a result, affect the health and well-being of marginalized individuals. He has published studies demonstrating the negative impact of minority stress on the health of sexual and gender minority individuals in several top-tier peer-reviewed journals in the fields of psychology, sociology, and public health. His research has been recognized by grants and awards from the National Institutes of Health, Society for the Psychological Study of Social Issues, and the New York Academy of Sciences.

28. **Kristi Gamarel**, Ph.D., Ed.M, is Assistant Professor of Health Behavior and Health Education at the University of Michigan's School of Public Health. Previously, she was a Research Assistant Professor in the Department of Behavioral and Social Sciences and the Center for Alcohol and Addiction Studies at Brown University's School of Public Health. As a social psychologist with expertise in health psychology and public health, the major focus of her work seeks to eliminate health inequities in partnership with sexual and gender minority communities. Her research includes cohort studies along with couples-based and m-health/e-health approaches to address HIV prevention and treatment, alcohol reduction, and

tobacco control and prevention. Guided by community-based participatory research principles, her currently funded projects aim to develop and evaluate relationship-focused HIV prevention and substance use interventions for diverse sexual and gender minority communities. She is currently the Principal Investigator of 3 NIH-funded studies designed to address HIV prevention and substance use with sexual and gender minority communities.

29. **Nanette Gartrell**, M.D., is a Visiting Distinguished Scholar at the Williams Institute at UCLA School of Law. She has a Guest Appointment at the University of Amsterdam, and she was formerly on the faculties of Harvard Medical School and UCSF. She is a psychiatrist, researcher, and writer whose 48 years of scientific investigations have focused primarily on sexual minority parent families. She is the principal investigator of the U.S. National Longitudinal Lesbian Family Study, which is the largest, longest running prospective investigation of American lesbian mothers and their children. She has authored numerous books, articles, and chapters. She has received numerous awards for her research and her article, “The U.S. National Longitudinal Lesbian Family Study: Psychological Adjustment of the 17-year-old Adolescents”, published in *Pediatrics*, was cited by Discover Magazine as one of the top 100 science stories of 2010. Her research has been cited internationally in litigation and legislation concerning equality in marriage, foster care, and adoption, and it contributed to the American Academy of Pediatrics’ 2013 endorsement of marriage equality.

30. **Gary J. Gates**, Ph.D., is a recognized expert on the geography and demography of the lesbian, gay, bisexual, and transgender population. The U.S. Supreme Court cited Dr. Gates’s research in

Obergefell v. Hodges (2015). He is co-author of *The Gay and Lesbian Atlas* and publishes extensively on the demographic and economic characteristics of the LGBT population. National and international media outlets regularly feature his work. He is currently a member of Committee on Review of Data and Research on Social Outcomes for LGBTQ+ Populations of the National Academies. Dr. Gates is retired as a Distinguished Scholar and Research Director at the Williams Institute at UCLA School of Law. He has also held positions as a Senior Researcher at Gallup, a Research Associate at the Urban Institute, and Director of the AIDS Intervention Project in Altoona, PA. Dr. Gates holds a Ph.D. in Public Policy and Management from the Heinz College, Carnegie Mellon University, a Master of Divinity degree from St. Vincent Seminary, and a Bachelor of Science degree in Computer Science from the University of Pittsburgh at Johnstown.

31. **Paul A. Gilbert**, Ph.D., Sc.M., is Assistant Professor, of Community and Behavioral Health at the University of Iowa. He conducts research to understand and address alcohol-related disparities, with particular interest in the ways that gender, race/ethnicity, and sexual orientation shape drinking patterns, risk of alcohol use disorders, and use of treatment services. Among recent scientific papers, he has published findings on how race and sexual orientation shape men's alcohol use, a critical review of alcohol research with transgender populations, and a paper outlining issues relevant for transmasculine individuals' use of reproductive health services. In 2017, he led a comprehensive state-wide survey of LGBTQ Iowans' health status and needs in partnership with colleagues at the Iowa Cancer Consortium, One Iowa, and Des Moines University.

The objective was to gather data for program planning and to establish a baseline to compare changes over time. A summary report is available online and additional papers are in preparation.

32. **Jeremy T. Goldbach**, Ph.D., is Associate Professor and Director of the Center for LGBT Health Equity at the Suzanne Dworak-Peck School of Social Work at the University of Southern California. His work is primarily focused on the relationship between social stigma, stress and health among lesbian, gay, bisexual, and transgender children and adolescents. He currently holds funding from the National Institute on Minority Health and Health Disparities (NIMHD; 1R01MD012252; R21MD013971), the Health Resources and Services Administration (HRSA), and the Department of Defense (DOD). Since joining the USC faculty, he has also been funded by the National Institute of Child Health and Human Development for psychometric instrument development (2014-17), The Trevor Project to explore pathways of suicidality among LGBTQ youth, the NIH Clinical and Translational Science Institute, and through the Zumberge Small Grant Program.

33. **Abbie E. Goldberg**, Ph.D., is Professor of Psychology at Clark University. She has authored over 115 peer-reviewed publications and 3 books, and has edited 3 books, many of which address LGBT parenting and some of which address transgender students. She is currently co-editing the *Encyclopedia of Trans Studies*. She is the recipient of two NIH grants, many foundation grants, and numerous research and teaching awards. She is interested in how a variety of social locations (e.g., gender, sexual orientation, social class) and contexts (e.g., work, family, community) shape processes of development and mental health. Her research focuses on

parenthood, relationship quality, and well-being in diverse families (e.g., adoptive parent families, lesbian/gay parent families) in an effort to increase our understanding of family diversity. For over a decade, she has been conducting a longitudinal study of adoptive parenthood among lesbian, gay, and heterosexual couples. She is also currently conducting research on transgender students' experiences in higher education.

34. **Naomi G. Goldberg**, M.P.P., is Director of Policy Research at the Movement Advancement Project. She completed a fellowship at the Williams Institute at UCLA School of Law after completing a Master of Public Policy from the Ford School of Public Policy at the University of Michigan, where she received a graduate fellowship. In her current role, she has authored many reports and analyses focused on economic security for LGBT people as well as the experience of LGBT people at work, in the criminal justice system, as parents, and as they age. This work includes examinations of workplace discrimination, protections under federal, state, and local nondiscrimination laws, and economic insecurity experienced by LGBT people. Peer-reviewed publications include a series of papers about the longest running longitudinal study of planned lesbian families published in *Fertility and Sterility*, *Gender & Society*, *Archives of Sexual Behavior*, and *Journal of Health Psychology* and intimate partner violence experienced by LGB people in *Journal of Interpersonal Violence*. She recently testified before the U.S. Commission on Civil Rights about the challenges facing formerly incarcerated LGBT people.

35. **Shoshana K. Goldberg**, Ph.D., is Research Assistant Professor in the Department of Maternal and Child Health at the Gillings School of Global

Public Health at University of North Carolina Chapel Hill. She specializes in LGBT health. Currently, she also is a research consultant with the Williams Institute at the UCLA School of Law, where she uses federal and state data to explore the impact of public policy on LGBT demography and health. In addition to co-authoring numerous scientific manuscripts and policy-oriented research briefs throughout her 10 years in the field, she has received training from the Fenway Institute, as well as taught an annual graduate level seminar since 2016 on LGBT Population Health.

36. **John Chester Gonsiorek**, Ph.D., is the Founding Editor of *Psychology of Sexual Orientation and Gender Diversity*. He received his Ph.D. from the University of Minnesota in Clinical Psychology in 1978, and holds a Diplomate in Clinical Psychology from the American Board of Professional Psychology. He is a Past-President of American Psychological Association Division 44, and has published widely in the areas of professional misconduct and impaired professionals, sexual orientation and identity, professional ethics, and other areas. He is a fellow of APA Divisions 9, 12, 29, 36, and 44. Until August 2012, he was Professor in the PsyD Program at Argosy University/Twin Cities; and has taught at a number of other institutions in the Twin Cities area. His major publications include: *Breach of Trust: Sexual Exploitation by Health Care Professionals and Clergy; Homosexuality: Research Implications for Public Policy* (with Weinrich); *Male Sexual Abuse: A Trilogy of Intervention Strategies* (with Bera and Letourneau), and *Homosexuality and Psychotherapy: A Practitioner's Handbook of Affirmative Models*.

37. **Gilbert Gonzales**, Ph.D., M.H.A., is Assistant Professor in the Department of Health Policy at

Vanderbilt University School of Medicine. His research examines how federal and state-level policies affect health and access to medical care in vulnerable populations. Much of his research has specifically examined health disparities for lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) populations. His work has appeared in the *American Journal of Public Health*, *Pediatrics*, *JAMA*, *The Milbank Quarterly*, and *the New England Journal of Medicine*. His research has been covered by news outlets such as CNN, Reuters, the New York Post, The Guardian, and U.S. News and World Report. He has presented his research on LGBTQ health at national and international research conferences in the United States, Mexico, Belgium, Portugal, and Italy. In 2016, he was awarded the Chancellor's Award for Research on Equity, Diversity and Inclusion for his research on LGBTQ health at Vanderbilt University.

38. **Allegra Gordon**, Sc.D., M.P.H., is a social epidemiologist and an Instructor in Pediatrics at Harvard Medical School and in the Division of Adolescent and Young Adult Medicine at Boston Children's Hospital. She has conducted research on sexual and gender minority health for the past 15 years. Her work addresses the mental and physical health impacts of stigma and discrimination, with a focus on gender-based stigma and discrimination, and has been funded by the National Institutes of Health. She holds a doctorate in Social & Behavioral Sciences from the Harvard T.H. Chan School of Public Health and an MPH in Sociomedical Sciences from Columbia University's Mailman School of Public Health. She has served as an Executive Committee member for the American Public Health Association's LGBT Caucus since 2013. She has received awards for her teaching and research, including the Robert Durant Award for

Statistical Rigor from the Society for Adolescent Health and Medicine and the Boston Children's Hospital Prism Award for her work on LGBTQ youth health.

39. **Phillip L. Hammack**, Ph.D., is Professor of Psychology at the University of California, Santa Cruz. He is a social psychologist whose studies gender and sexual diversity, with a particular focus on gender and sexual identity development. His research has been funded by the National Institutes of Health and the William T. Grant Foundation, and his work appears in numerous peer-reviewed scientific outlets. He has also been a fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University.

40. **Gary W. Harper**, Ph.D., is Professor of Health Behavior and Health Education and Professor of Global Public Health at University of Michigan. Dr. Harper is an expert in the mental health and sexual health of sexual and gender minority (SGM) adolescents and young adults, and has received numerous national awards for research and community work, including the 2018 American Psychological Association (APA) Award for Distinguished Professional Contributions to Applied Research. For the past 25 years, he has received continual funding from the National Institutes of Health and the Centers for Disease Control and Prevention for his youth-focused research, and has more than 150 publications in peer-reviewed scientific journals on issues of SGM health and the negative effects of discrimination. Dr. Harper works collaboratively with community members to develop and evaluate mental health, sexual health, and HIV prevention programs for youth—working domestically in large urban cities and globally in Kenya and

Zambia. Dr. Harper's research also focuses on resilience and strength among SGM adolescents and young adults. He has worked with the APA and other national groups to promote the health and human rights of SGM people through policy and advocacy work. Dr. Harper is currently working with state legislatures and the governor's office to ban the use of conversion therapy with minors in the state of Michigan.

41. **Jody L. Herman**, Ph.D., is a Scholar of Public Policy at the Williams Institute at UCLA School of Law. She holds a Ph.D. in Public Policy and Public Administration from The George Washington University. Her research focuses on measures of gender identity in survey research and the prevalence and impacts of discrimination based on gender identity or expression. At the Williams Institute, her work has included the development of trans-inclusive questions for population-based surveys and research on minority stress, health, and suicidality among transgender people, among other topics. Before joining the Williams Institute, Dr. Herman co-authored *Injustice at Every Turn*, based on the National Transgender Discrimination Survey. More recently, she served as Co-Principal Investigator for the 2015 U.S. Transgender Survey. She currently serves as a Co-Investigator on the U.S. Transgender Population Health Survey ("TransPop"; NICHD R01HD090468; PI Ilan Meyer). She is a current awardee of the National Institutes of Health Loan Repayment Program through the National Institute on Minority Health and Health Disparities.

42. **Ian W. Holloway**, Ph.D., L.C.S.W., M.P.H., is Associate Professor of Social Welfare in the UCLA Luskin School of Public Affairs and a licensed clinical social worker. Professor Holloway's applied behavioral

health research examines the contextual factors that contribute to health disparities among sexual and gender minority populations. He is an expert in social network analysis and is particularly interested in how social media and new technologies can be harnessed for health promotion and disease prevention. Dr. Holloway has been a principal investigator on research studies funded by the National Institute on Drug Abuse, the Department of Defense, and the California HIV/AIDS Research Program. He currently directs the Southern California HIV/AIDS Policy Research Center, which brings the most relevant and timely evidence to bear on California's efforts to develop and maintain efficient, cost-effective, and accessible programs and services to people living with or at risk for HIV/AIDS.

43. **Ning Hsieh**, Ph.D., is Assistant Professor of Sociology at Michigan State University. She studies health and healthcare inequalities between sexual orientation groups. Her research has been published in peer-reviewed journals, including the *American Journal of Preventive Medicine*, *Health Affairs*, *Journal of Gerontology: Social Sciences*, *Journal of Health and Social Behavior*, *Journal of Social and Personal Relationships*, *Research on Aging*, and *Society and Mental Health*. Her work has also been recognized by major awards in the field of sociology, such as a dissertation award from the Mental Health Section of American Sociological Association and a research paper award from the Mental Health Section of Society for the Study of Social Problems.

44. **David M. Huebner**, Ph.D., is Associate Professor of Public Health at George Washington University. His research examines how discrimination from schools, families, and communities impacts HIV risk and other health outcomes among sexual minority

individuals, and how preventive interventions can help mitigate those impacts. He has received funding for this work from NIH, the CDC, and state health departments. His currently funded work (NIMH R34 MH112445) aims to develop an intervention to improve parent-adolescent communication about sexuality and HIV among families with a gay or bisexual son. He has been the mentor to doctoral students receiving NIH NRSA funding, NSF graduate fellowship funding, and an NIH minority supplement. He is also committed to supporting community efforts to engage in evidence-based practices, and has served on several local and regional HIV prevention community planning groups. He was recently the Chair of the National Board of Directors for the Gay, Lesbian, Straight Education Network (GLSEN), a national nonprofit with a \$7 million annual budget, that seeks to improve K-12 school experience for sexual and gender minority youth.

45. **Angela Irvine**, Ph.D., is Principal Consultant at Ceres Policy Research. She has over twenty-five years of experience as a policy researcher working in the areas of education, child welfare, housing, and youth justice. She is one of the first researchers to document the overrepresentation of lesbian, gay, bisexual, and questioning (LGBQ), gender nonconforming and transgender (GNCT) youth in the justice system using anonymous surveys in secure facilities. She has written eleven articles and two practice guides on LGBQ/GNCT youth of color in the justice system. She has become one of a handful of scholars with expertise on the collection of data tied to sexual orientation and gender identity and expression (SOGIE). She and her staff at Ceres Policy Research are currently working with ten counties across the

country to incorporate SOGIE questions into their case management systems.

46. **Mallory O. Johnson**, Ph.D., is Professor of Medicine at the University of California, San Francisco. He is a clinical researcher with a career dedicated to health disparities affecting sexual and gender minority populations. His work has been funded by more than a dozen grants from the National Institutes of Health, and he has published more than 175 peer-reviewed publications, many of which focus on health disparities. He is the Co-Director of the NIH-funded Center for AIDS Prevention Studies (CAPS) and an Director of the CAPS Developmental Core.

47. **Sabra L. Katz-Wise**, Ph.D., is Assistant Professor in Adolescent/Young Adult Medicine at Boston Children's Hospital and in Pediatrics at Harvard Medical School, and an Instructor in Social and Behavioral Sciences at the Harvard T. H. Chan School of Public Health. She is trained in developmental psychology, gender and women's studies, and social epidemiology. Her research investigates sexual orientation and gender identity development, sexual fluidity, health disparities related to sexual orientation and gender identity in adolescents and young adults, and psychosocial functioning in families with transgender youth. She is currently working on an NIH-funded community-based longitudinal mixed-methods study to examine how the family environment affects the health and well-being of transgender youth. In addition to research, Dr. Katz-Wise is involved with advocacy efforts at Boston Children's Hospital to improve the workplace climate and patient care for LGBTQ individuals, including her role as a Safe Zone trainer and co-chair for the Boston Children's Hospital Rainbow Consortium on Sexual and Gender Diversity.

She also serves on the Harvard Medical School LGBT Advisory Committee and she co-founded and co-facilitates the Alliance of Gender Affirming Professionals (AGAP), a group for professionals and trainees in greater Boston who work with transgender youth and families.

48. **Robert Kertzner**, M.D., is Associate Clinical Professor of Psychiatry at Columbia University. He is a Distinguished Life Fellow of the American Psychiatric Association and a clinical and research psychiatrist who has conducted research on the mental health effects of discrimination on LGBT persons and psychological health in sexual minority persons. He has served as Training Director of an NIMH funded T32 postdoctoral fellowship program in behavioral sciences research in HIV infection, served on the American Psychiatric Association Commission on AIDS, and has authored multiple publications on mental health in LGBT persons. As a clinical psychiatrist, he has provided care to several hundred LGBT persons over the span of thirty-seven years.

49. **Suzanne A. Kim**, J.D., is Professor of Law and Judge Denny Chin Scholar at Rutgers Law School. Her research and teaching focus on family, procedure, constitutional law, anti-discrimination, critical theory, and socio-legal studies. Her interdisciplinary scholarship examines relationships between law, critical theory, and social sciences in relation to the regulation of intimacies, gender, family, discrimination, and resilience. She is a member of the Executive Committee of the Association of American Law Schools (AALS) Section on Law and the Humanities and member of the Executive Committee of the AALS Section on Family and Juvenile Law. She is a 2011 winner of the Association of American Law

Schools Women in Legal Education New Voices in Gender Studies Paper Competition.

50. **Jasleen Kohli**, J.D., is Director of the Critical Race Studies (CRS) Program at UCLA School of Law. As Director, she is the primary administrator of the CRS specialization, the only one of its kind in the country. She has practiced in the areas of civil rights, labor law, and policy development, and her work has revolved around integrating Critical Race Theory principles into practice.

51. **Nancy J. Knauer**, J.D., is Sheller Professor of Public Interest Law and Director of the Law & Public Policy Program at Temple University, Beasley School of Law. She teaches in the areas of political and civil rights, property, and taxation. For the past twenty-five years, her scholarship has explored the impact of law and public policy on the lives of LGBT people. She is the author of *Gay and Lesbian Elders: History, Law and Identity Politics in the US* and more than fifty academic articles, books, and book chapters. She has received numerous awards for teaching, service, and scholarship. She is the co-founder of the Aging, Law & Society Collaborative Research Network of the Law & Society Association and served on the Executive Committee of the Family Law Institute of the National LGBT Association. She is profiled in the book *What the Best Law Teachers Do*, published by Harvard University Press in 2013. The book featured 26 law professors who were selected from more than 250 nominees teaching at over 100 law schools.

52. **Nancy Krieger**, Ph.D., is Professor of Social Epidemiology and American Cancer Society Clinical Research Professor at the Harvard T.H. Chan School of Public Health (HSPH) and Director of the HSPH Interdisciplinary Concentration on Women, Gender,

and Health. She is an internationally recognized social epidemiologist with a background in biochemistry, philosophy of science, and history of public health, plus 30+ years of activism involving social justice, science, and health. She is an ISI highly cited scientist (since 2004; reaffirmed: 2015); the group comprises <0.05% of publishing researchers. Dr. Krieger's work addresses: (1) conceptual frameworks to understand, analyze, and improve the people's health, including her ecosocial theory of disease distribution focused on embodiment and equity; (2) etiologic research on societal determinants of population health and health inequities, including structural racism and other types of adverse discrimination (e.g. in relation to gender, gender identity, and sexuality); and (3) methodologic research to improve monitoring of health inequities. She is author of several books, including *Epidemiology and The People's Health: Theory and Context* (Oxford University Press, 2011).

53. **Gregory B. Lewis**, Ph.D., is Professor and Chair of Department of Public Management and Policy at Georgia State University. He has written extensively on both public opinion on LGBT rights and on the status of LGBTs in the public service, as well as diversity and equality issues in government employment more generally. He is one of the first scholars to study lesbians and gay men as government employees. Early work examined how prohibitions on federal employment and security clearances for homosexuals were overcome. More recently, he has focused on gay-straight differences in probabilities of public and nonprofit employment and on gay-straight pay differences within the sectors. He has served on several editorial boards, including those of the *American Review of Public Administration* and the *American Political Science Review*.

54. **David J. Lick**, Ph.D., is Senior Researcher at Google. He received his Ph.D. in social psychology from UCLA. His research has examined both the causes and consequences of prejudice against lesbian, gay, and bisexual people. He developed a theoretical model of how negative social experiences may contribute to negative health outcomes among sexual minorities. His research was supported by grants from the National Science Foundation, American Psychological Association, American Psychological Foundation, and Society for the Psychological Study of Social Issues.

55. **Marguerita Lightfoot**, Ph.D., is Professor of Medicine at University of California, San Francisco, Chief for the Division of Prevention Science, Director of the Center for Prevention Studies (CAPS), and UCSF Prevention Research Center (PRC). Her research focus has been improving the health and well-being of adolescents and young adults as well as the development of efficacious interventions to reduce acquisition and transmission of HIV among those populations disproportionately burdened by the epidemic. Her domestic and international research has included developing interventions for runaway/homeless youth, juvenile justice involved adolescents, youth in medical clinics and settings, youth with a parent living with HIV, youth living with HIV, and LGBTQ+ populations, among others. She has published in numerous top tier journals and has received grants from NIH and CDC, among other sources.

56. **Christy Mallory**, J.D., is Director of State & Local Policy at the Williams Institute at UCLA School of Law. Her research focuses on sexual orientation and gender identity non-discrimination protections, laws limiting the practice of conversion therapy, laws banning the use of the gay and trans panic defenses,

and other state and local level policies impacting LGBT people. Her work has been published in several media outlets, journals, and books including *When Mandates Work* (UC Press, 2013), *Loyola of Los Angeles Law Review*, *LGBTQ Policy Journal at the Harvard Kennedy School*, and *Albany Government Law Review*.

57. **Alicia K. Matthews**, Ph.D., is Professor of Psychology in the Department of Health Systems Science at the College of Nursing of the University of Illinois at Chicago. Dr. Matthews is a clinical psychologist with 25 years of experience studying the health and wellbeing of LGBTQ populations. They have more than 110 peer-reviewed publications and have been awarded more than 3 million dollars in grants from federal and other sources. Dr. Matthews is the former chair of a NIH study section (Health Disparities and Equity Promotion).

58. **Ilan H. Meyer**, Ph.D., is Distinguished Senior Scholar for Public Policy at the Williams Institute at UCLA School of Law, and Professor Emeritus of Sociomedical Sciences at Columbia University. He studies public health issues related to minority health, including stress and illness in minority populations; in particular, the relationship of minority status, minority identity, prejudice and discrimination and health outcomes in sexual minorities and the intersection of minority stressors related to sexual orientation, race/ethnicity, and gender. In several highly cited papers, he has developed a model of minority stress that describes the relationship of social stressors and adverse health outcomes and helps to explain LGBT health disparities. The model has guided his and other investigators' population research on lesbian, gay, bisexual, and transgender health disparities by identifying the mechanisms by

which social stressors impact health and by describing the harm to LGBT people from prejudice and stigma. For this work, he received the Outstanding Achievement Award from the Committee on Lesbian, Gay, Bisexual, and Transgender Concerns of the American Psychological Association (APA) and Distinguished Scientific Contribution award from the APA's Division 44. He has served as an expert in several court cases and hearings, including *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921 (N.D. Cal. 2010) and United States Commission on Civil Rights briefing on peer-to-peer violence and bullying in K-12 public schools (2011). He has been a principal investigator for over 20 research projects and is currently the principal investigator of two important NIH-funded studies: the Generations, a study of stress, identity, health, and health care utilization across three cohorts of lesbians, gay men, and bisexuals in the U.S.; and TransPoP, the first national probability sample of transgender individuals in the U.S.

59. **Mignon R. Moore**, Ph.D., is Professor of Sociology at Columbia University. She has research and teaching interests in the sociology of family, race, gender, sexuality, qualitative methods, aging, and adolescence. She analyzes race, gender, class and sexuality not just as identity statuses but structural locations that influence individual life chances and the ways individuals experience their social worlds. Her first book, *Invisible Families: Gay Identities, Relationships and Motherhood among Black Women* (2011 California Press) examined the intersection of race with sexual orientation for family-building and lesbian identity among African-American women. Her current research includes a new book (funded by the National Institute on Aging): *In the Shadow of*

Sexuality: Social Histories of African American LGBT Elders, 1950-1975. This work builds on her prior training as a qualitative sociologist of racial and sexual minority populations, while incorporating new archival methods into her repertoire of research tools, to construct a sociocultural history of black sexual minorities. She has published on such topics as LGBT-parent families, adolescent sexual debut and pregnancy, intersectionality, research methods on hard-to-reach populations, and processes of aging and health for racial and ethnic minority seniors. She serves on the Executive Council of the American Sociological Association.

60. **Brian Mustanski**, Ph.D. is Professor of Medical Social Sciences at Northwestern University, Director of the Institute for Sexual and Gender Minority Health and Wellbeing, Co-Director of the NIH Third Coast Center for AIDS Research (CFAR), and Co-Director of the NIDA Center for Prevention Implementation Methodology. His research focuses on the health and development of LGBTQ youth. He has published over 225 journal articles in peer-reviewed journals. He is a frequent advisor to federal agencies and other organizations on LGBTQ health. Recognition for his work include being named a William T. Grant Scholar and the Award for Distinguished Scientific Contribution from the Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues of the American Psychological Association.

61. **Miles Q. Ott**, Ph.D., is Assistant Professor of Statistical and Data Sciences at Smith College. He is a biostatistician with research interests in public health and the statistical analysis of social network data. He is particularly interested in network sampling methodology, the statistical implications of missingness in network data, and public health

interventions that leverage the structure of social networks. His research application areas include substance use in emerging adults, HIV surveillance in hard-to-reach populations, and LGBT health.

62. **John E. Pachankis**, Ph.D., is Associate Professor of Public Health at Yale University. His research seeks to bring evidence-based mental health interventions to LGBTQ people in the United States and around the world. With NIH funding, he examines the efficacy of LGBTQ-affirmative interventions delivered via novel technologies (e.g., smartphones), in diverse settings (e.g., Eastern Europe, Appalachia), and with diverse segments of the LGBTQ community (e.g., rural youth, queer women). He has published over 100 scientific papers on LGBTQ mental health and stigma. This work appears in journals such as *Psychological Bulletin*, *American Psychologist*, *Developmental Psychology*, *Journal of Consulting and Clinical Psychology*, *AIDS*, and *Health Psychology*. He also co-edited the *Handbook of Evidence-Based Mental Health Practice with Sexual and Gender Minorities* published by Oxford University Press. His research has had national and international scholarly, legal, and popular impact, having been referenced in national professional guidelines for LGBTQ mental health practice and featured in national and international media outlets. He received his Ph.D. in clinical psychology in 2008 from the State University of New York at Stony Brook and completed his clinical psychology internship at Harvard Medical School / McLean Hospital.

63. **Charlotte J. Patterson**, Ph.D., is Professor of Psychology and Chair of the Department of Women, Gender and Sexuality at the University of Virginia. Her research focuses on the role of sexual orientation in human development and family lives, and she is

best known for her studies of child development in lesbian- and gay-parented families. She was a member of the Committee on LGBT Health Issues and Research Gaps convened by the Institute of Medicine; their report, entitled *The Health of LGBT People: Building a Foundation for Better Understanding*, was published by the National Academies Press in 2011. She has co-edited four books, including the *Handbook of Psychology and Sexual Orientation* (Oxford University Press, 2013). A fellow of the American Psychological Association (APA) and of the Association for Psychological Science (APS), her awards include the Distinguished Scientific Contribution Award from APA Division 44, and the Outstanding Achievement Award from the APA Committee on Lesbian, Gay and Bisexual Concerns; she also won the Distinguished Contributions to Research in Public Policy Award from APA. Patterson is currently co-chairing a study on Understanding the Status and Well-Being of Sexual and Gender Minority Populations at the National Academies of Science, Engineering and Medicine.

64. **Kim Hai Pearson**, J.D., is Associate Professor of Law and Associate Dean of Academic Affairs and Program Innovation at Gonzaga Law. She served as the Associate Dean of Faculty Research and Development from 2016-2018. From 2008-2010, Pearson held a Law Teaching Fellowship at the Williams Institute at UCLA Law School. Her current research and writing projects focus on identity, legal classifications, and children in international trafficking streams. She writes about the impact of identity classification for domestic family law purposes, particularly unfair treatment and outcomes for racial, religious, and sexual minority children and parents. She has participated in several international and regional conferences, including the Neil Gotanda

Lecture at Berkeley Law, the Family Law Workshop at University of Wisconsin-Madison, and the International Society of Family Law Conferences, where she presented her work on identity and its impact on transnational/transracial adoptees and international child law.

65. **Tonia Poteat**, Ph.D., is Professor of Social Medicine at University of North Carolina Chapel Hill. She conducts research, teaches, and provides clinical care focused on LGBTQ health and HIV with particular attention to the role of stigma in driving health disparities. She has published numerous peer-reviewed articles on the health of transgender adults, and served as an Associate Editor for the journal, *LGBT Health*. She has also served as Vice President for Education for GLMA: Health Professionals Advancing LGBTQ Equality, and she currently serves on the Sexual and Gender Minority Working Group for the National Institutes of Health (NIH) Sexual and Gender Minority Research Office.

66. **Jesus Ramirez-Valles**, Ph.D., is Director, Health Equity Institute at San Francisco State University. He is a public health scholar and expert on health equity, LGBT populations, and race. His work in the United States and abroad has focused on stigma, racism, aging, HIV, and substance use from the social and behavioral perspectives. He has received funding from NIH and private foundations and is Editor-in-Chief of *Health Education & Behavior*.

67. **Sari Reisner**, Sc.D., is Assistant Professor at Harvard Medical School, based at Boston Children's Hospital, and at Harvard T.H. Chan School of Public Health in Epidemiology. His research focuses on sexual and gender minority health equity, with specialization in transgender health research

methods. Dr. Reisner uses a participatory population perspective to work “with” not “on” communities in conducting health research. His research is funded by National Institutes of Health (NIH), Patient-Centered Outcomes Research Institute (PCORI), and other federal and local public and private sources. He has contributed to more than 175 peer-reviewed papers in LGBTQ health, including conducting the first systematic review of transgender global health published in *The Lancet*. He is a member of the World Professional Association for Transgender Health (WPATH) and a Research Associate Editor of the journal *Transgender Health*. In 2016, Dr. Reisner was profiled in *The Lancet* as a leader in making transgender health visible. In 2019, he was awarded the Disparities Early Investigator Award at AcademyHealth.

68. **Andrew Reynolds**, Ph.D., is Professor of Political Science at the University of North Carolina at Chapel Hill. His research and teaching focus on democratization, constitutional design, and electoral politics. He is particularly interested in the presence and impact of minorities and marginalized communities, including LGBT people. Among his numerous books is *The Children of Harvey Milk: How LGBTQ Politicians Changed the World*. He has published many academic articles in top journals such as *American Political Science Review*, *World Politics*, *Democratization*, *Politics and Society*, and *Political Science Quarterly*. He has worked for the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA), the U.S. State Department, and other bodies. He has also served as a consultant on issues of electoral and constitutional design for numerous countries in Africa and elsewhere. He has received research awards from the

U.S. Institute of Peace, the National Science Foundation, the U.S. Agency for International Development, and the Ford Foundation.

69. **Ellen D.B. Riggle**, Ph.D., is Professor of Political Science and Professor and Chair of the Department of Gender and Women's Studies at the University of Kentucky. She is the recipient of the 2017 William B. Sturgill Award for outstanding contributions to graduate education from the Graduate School of the University of Kentucky and is Law & Society Scholar-in-Residence at the Indiana University Maurer School of Law in Fall 2019. Her research interests include positive LGBTQ identities; the effects of minority stress; and the impact of laws, legal debates, and policy issues on the health and well-being of LGBTQ individuals and same-sex couples. She is the co-author of *A Positive View of LGBTQ: Embracing Identity and Cultivating Well-Being* (winner of the 2012 American Psychological Association Division 44 Distinguished Book Award) and *Happy Together: Thriving as a Same-Sex Couple in Your Family, Workplace, and Community* (published by the American Psychological Association).

70. **Margaret Rosario**, Ph.D., is Professor of Psychology at The City University of New York—The City College and Graduate Center, and a faculty member in the doctoral programs of Clinical Psychology, Health Psychology and Clinical Science, and Basic and Applied Social Psychology. Her research focuses on identity and stress, as well as the implications of each for health and other adaptational outcomes. The research has primarily centered on lesbian, gay, and bisexual young people undergoing sexual identity development. The relations between stress and sexual identity development on the one

hand to health and other outcomes on the other hand are of critical interest, as are the mediators and moderators of those relations. In addition, she is interested in the determinants of sexual orientation and the intersection of multiple identities. Dr. Rosario is the recipient of research grants, as principal- or co-investigator, from the National Institutes of Health. She is a Fellow of the American Psychological Association and the Society for the Scientific Study of Sexuality. She is also an Associate Editor of the *Journal of Sex Research* and a member of the editorial boards of *Archives of Sexual Behavior* and the *American Journal of Community Psychology*. She is President of Division 44 of the American Psychological Association, the Society for the Psychology of Sexual Orientation and Gender Diversity. Dr. Rosario did her postdoctoral training at Columbia University's College of Physicians and Surgeons, her doctorate at New York University, and her bachelor's degree at Princeton University.

71. **Darren Rosenblum**, J.D., is Professor of Law at Haub Law School at Pace University. He teaches Contracts, Corporations, and International Business Transactions, and serves as the Faculty Director of the Institute for International and Commercial Law. His scholarship focuses on corporate governance, in particular on diversity initiatives and remedies for sex inequality. Professor Rosenblum has served as a visiting professor at Sciences Po Law School in Paris, Brooklyn Law School, American University, and Seattle University. He has presented his pioneering work on corporate board quotas in English, French, Spanish, and Portuguese. In 2018, he served as a Wainwright Fellow at the Faculty of Law at McGill University. In 2011, as a Fulbright Research Scholar in France, he performed a qualitative study on the

French quota for women on corporate boards, which he presented at the French National Assembly.

72. **Esther D. Rothblum**, Ph.D., is Professor of Women's Studies at San Diego State University and Visiting Distinguished Scholar at the Williams Institute at UCLA School of Law. She is editor of the *Journal of Lesbian Studies*, a former president of Division 44 (Society for the Psychological Study of LGBT Issues) of the American Psychological Association, and a Fellow of seven divisions of APA. Her research and writing have focused on LGBT relationships and mental health, focusing on using heterosexual and cisgender siblings as a comparison group. Since 2001, she has compared same-sex couples in legal relationships with their heterosexual married siblings. She has edited 27 books and has over 130 publications in academic journals and books.

73. **Sharon S. Rostosky**, Ph.D., is Professor of Counseling Psychology at University of Kentucky. Dr. Rostosky has conducted research for over 20 years on the health and well-being of LGBTQ-identified individuals, couples, and their families, with funding from the American Psychological Foundation and the National Institutes of Health. In addition to publishing over 75 peer-reviewed journal articles, she has coauthored two books entitled *Happy Together: Thriving as a Same-Sex Couple in your Family, Workplace, and Community* (APA, 2015) and *A Positive View of LGBTQ: Embracing Identity and Cultivating Well-being* (Rowman Littlefield, 2012). The latter was the recipient of the APA Division 44 Distinguished Book Award. She holds APA fellow status in two divisions: Society of Counseling Psychology and Society for Sexual Orientation and Gender Diversity.

74. **Stephen T. Russell**, Ph.D., is Priscilla Pond Flawn Regents Professor in Child Development and chair of the Department of Human Development and Family Sciences at the University of Texas at Austin. He is an expert in adolescent and young adult health, with a focus on sexual orientation and gender identity. He began his career with population studies of adolescent sexual and reproductive health; during the last decade his work has focused on adolescent health disparities, especially the health and well-being of sexual minorities (lesbian, gay, bisexual, and transgender youth). He published a series of papers that were the first nationally representative studies to document significant health risk among sexual minority adolescents using the Add Health Study. Since then he has studied health risk and resilience among lesbian, gay, bisexual, and transgender youth and young adults, with an emphasis on gender and race/ethnic/cultural difference in sexual minority health. He has served on the governing boards of the Society for Research in Child Development, the Sexuality Information and Education Council of the United States (SIECUS), National Council on Family Relations (he was elected fellow), and the Society for Research on Adolescence (President, 2012-2014).

75. **Caitlin Ryan**, Ph.D., A.C.S.W., is a clinical social worker and researcher who has worked on LGBT health and mental health for more than 40 years, with a focus on promoting health and well-being for LGBT adolescents. Dr. Ryan directs the Family Acceptance Project at San Francisco State University – the first research, intervention, education, and policy initiative to help ethnically and religiously diverse families to support their LGBT children in the context of their families, cultures, and faith traditions. Dr. Ryan and her team have developed the first evidence-

informed family intervention model to help families to decrease rejection and prevent health risks for their LGBT children – including suicide, substance abuse, homelessness, and HIV – and to increase family support, including permanency. She has served on many advisory groups, including the Institute of Medicine’s scientific committee on LGBT Health and has received numerous awards for her work from national professional groups in the fields of counseling, medicine, nursing, psychiatry, psychology, and social work, and from civic, LGBT, and faith-based groups.

76. **Elizabeth M. Saewyc, Ph.D., R.N.**, is Professor and Director of the School of Nursing at the University of British Columbia in Vancouver and heads the multidisciplinary Stigma and Resilience Among Vulnerable Youth Centre. For over 20 years, her research and clinical practice has focused on health equity for lesbian, gay, bisexual, transgender, queer, and Two Spirit (LGBTQ2S) adolescents. She held a national CIHR-PHAC Applied Public Health Chair from 2008-2014. She was lead investigator for the first federally funded Canadian Trans Youth Health Survey in 2013-2014, and has just repeated the survey 5 years later. Her research has been regularly funded by the U.S. National Institutes of Health and the Canadian Institutes of Health Research. She provides consultation on health issues for LGBTQ2S youth and other adolescents to national and international governments and agencies: Chief Public Health Officer of Canada, the U.S. White House (under President Obama) and the World Health Organization. She has been named a Fellow in the Society for Adolescent Health and Medicine, in the Canadian Academy of Health Sciences, and in the American Academy of Nursing, where she serves on the LGBTQ Health expert panel.

77. **Brad Sears, J.D.**, is Associate Dean for Public Interest Programs and David Sanders Distinguished Scholar of Law and Policy at UCLA School of Law. Sears teaches courses on sexual orientation law, disability law, and U.S. legal and judicial systems. He has published a number of research studies and articles, primarily on discrimination against LGBT people in the workplace and HIV discrimination in health care. He has testified before Congress and a number of state legislatures, authored amicus briefs in key court cases, and helped to draft state and federal legislation.

78. **Randall Sell, Sc.D.**, is Professor of Community Health and Prevention at Drexel University's Dornsife School of Public Health. Sell was one of the first to estimate the prevalence of lesbians, gays, and bisexuals in a probability sample of the United States, United Kingdom, and France. His work critically examines the variables used to measure health disparities. Sell is a collaborator on a federally funded scientific study of social diffusion in online media for reaching hidden communities. He is also the lead investigator for a study of social networks as a means to sample gay men and collect health information. He has researched and published on the history and best practices of sampling homosexuality and has created an assessment of sexual orientation (the Sell Scale). He serves as a consultant to an ever-increasing number of surveys and programs that have begun to collect sexual orientation data. Sell also established the website GayData.org. Sell directs Drexel's certificate program in LGBT Health.

79. **Edward D. Stein, Ph.D., J.D.**, is Professor of Law at Cardozo Law School, where is also the Director of Gertrude Mainzer Program in Family Law, Policy, and Bioethics. His scholarship focuses on legal and

philosophical topics related to families, sexual orientation, gender, reproduction, cognition, and science. His publications include *The Mismeasure of Desire: The Science, Theory and Ethics of Sexual Orientation* and *Without Good Reason: The Rationality Debate in Philosophy and Cognitive Science*, both published by Oxford University Press. He has also been a contributor to the Huffington Post, Findlaw (The State of the Same-Sex Union Part One, Part Two, Part Three), and the American Constitution Society Blog.

80. **Ari Ezra Waldman**, J.D., Ph.D., is Professor of Law at New York Law School. He is the Founding Director of the Innovation Center for Law and Technology and the Founder and Director of the Institute for CyberSafety, a full service academic and direct outreach program that includes, among other things, the first and, to-date, only law school clinic representing LGBTQ victims of online harassment. His research focuses, in relevant part, on the frequency and effects of bullying and cyberbullying on marginalized populations; the impact face-to-face and online harassment have on queer youth and adolescent success and health; and how federal, state, and local laws and policies can reduce cybervictimization and improve the lives of members of the LGBTQ community. His work has been published in leading law reviews and peer-reviewed journals. He is an internationally sought after speaker and commentator on privacy and cyber harassment.

81. **Bianca D.M. Wilson**, Ph.D., is Senior Scholar of Public Policy at the Williams Institute at UCLA School of Law and is affiliated faculty with the UCLA California Center for Population Research. She earned a Ph.D. in Psychology from the Community and Prevention Research program at the University of

Illinois at Chicago (UIC) with a minor in Statistics, Methods, and Measurement, and received postdoctoral training at the UCSF Institute for Health Policy Studies through an Agency for Health Research and Quality (AHRQ) postdoctoral fellowship. Her research focuses on the relationships between culture, oppression, and health, with an emphasis on racial and sexual and gender minorities. Her most current work focuses on LGBT economic instabilities and population research among foster youth, homeless youth, and youth in juvenile custody, with a focus on sampling, data collection, and assessing disproportionality in these systems.

82. Patrick Alan-David Wilson, Ph.D., is Associate Professor of Sociomedical Sciences at the Columbia University Mailman School of Public Health and the Director of the SPHERE (Society, Psychology, and Health Research) Lab at Columbia University. Dr. Wilson earned his Ph.D. in community psychology from New York University and completed a postdoctoral fellowship at Yale University. In addition to teaching at the Mailman School of Public Health, Dr. Wilson conducts research aimed at exploring the psychological, social, and cultural contexts that shape individual and community-level health outcomes among ethnic and sexual minority populations. His recent work includes examining institutional and community responses to the HIV/AIDS epidemic, designing and testing culturally appropriate behavior change interventions, developing novel technology-based methods for investigating health behaviors, and increasing cultural relevance in health disparities research. Specific topics of interest also include trauma, stigma and discrimination, incarceration, religion, engagement in care, and personal factors including self-efficacy and empowerment. Dr. Wilson

conducts national and local studies that involve the participation of a diverse set of collaborators and community members. His research is supported by grants from the National Institutes of Health and the U.S. Centers for Disease Control and Prevention.

83. **Jordan Blair Woods**, Ph.D., J.D., is Assistant Professor of Law at the University of Arkansas School of Law. He writes and teaches in the areas of criminal law and procedure, family law, law and sexuality, legal ethics, and constitutional law. Woods is a two-time recipient of the Dukeminier Award, which recognizes the best legal scholarship on LGBT issues each year. In 2018, his scholarship was selected for presentation at the Stanford/Harvard/Yale Junior Faculty Forum. In 2018 and 2017, he was awarded the New Faculty Commendation for Teaching Commitment from the University of Arkansas. Woods holds an A.B. from Harvard College, J.D. from UCLA School of Law, and M.Phil. and Ph.D. in criminology from the University of Cambridge, where he was a Gates Scholar. Woods clerked for the Honorable Jennifer Walker Elrod of the U.S. Court of Appeals for the Fifth Circuit.

84. **Maria Cecilia Zea**, Ph.D., is Professor of Clinical/Community Psychology at the George Washington University. She specializes in LGBT mental health and HIV risk. Her research interests include the process of acculturation of Latinx immigrants and psychosocial and behavioral factors relevant to HIV/AIDS. She examines the role of cultural, situational, and structural contexts, as well as the relevant individual characteristics on HIV risk among Latinx transgender men and women and men who have sex with men. She is co-director of the Social and Behavioral Science Core of the District of Columbia Center for AIDS Research and founding director of the GWU Latino Health Research Center.

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She is also the programmatic and scientific reviewer of Adelante, an NIH-funded mentoring program to promote HIV research in Latinx communities. She is a Fellow of the American Psychological Association and of the Association for Psychological Science and a member of the American Public Health Association and the National Hispanic Science Network. She has been the Principal Investigator of three NIH-funded R01 grants and one R34 and has been a co-investigator in several other grants. She has published extensively in peer-reviewed journals and has presented at national and international conferences.