

*GLBTQ Legal Advocates & Defenders (GLAD) &
MA Commission on LGBTQ Youth*

Collecting Data on Sexual Orientation and Gender Identity & Expression (SOGIE)



Patience Crozier, Esq.
Senior Staff Attorney
GLAD
She/Her/Hers

Corey Prachniak-Rincón, Esq.
Director
MA Commission on LGBTQ Youth
They/Them/Theirs

Jordan Meehan, Esq.
Policy Coordinator
MA Commission on LGBTQ Youth
He/Him/His

Overview - Introductions and Goals

1. Introductions
2. What is SOGIE?
3. Why collect SOGIE data?
4. Best practices and special considerations

Part I:

Introductions



Photo: Berkshire Pride, Pittsfield

About the Commission and GLAD



Photo: Youth Pride, Boston

The Massachusetts Commission on LGBTQ Youth is an independent state agency founded in 1992 to help make the Commonwealth a place where all youth can thrive.

Founded in 1978, GLBTQ Legal Advocates & Defenders works through strategic litigation, public policy advocacy, and education, in New England and nationally, to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.

Part II:



Photo: Swearing in of LGBTQ Youth Commission,
State House, Boston

What is SOGIE?
Who are our LGBTQ
communities in MA?

What Does LGBTQ Mean?

LESBIAN: describes a woman attracted to other women

GAY: describes a man attracted to other men

BISEXUAL: describes a person attracted to two or more genders

TRANSGENDER: describes a person whose gender identity differs from the sex they were assigned at birth.

QUEER: an open-ended term used by some people to describe their sexual orientation, gender identity, or both; sometimes considered pejorative and thus should be used with caution by those who do not identify as LGBTQ

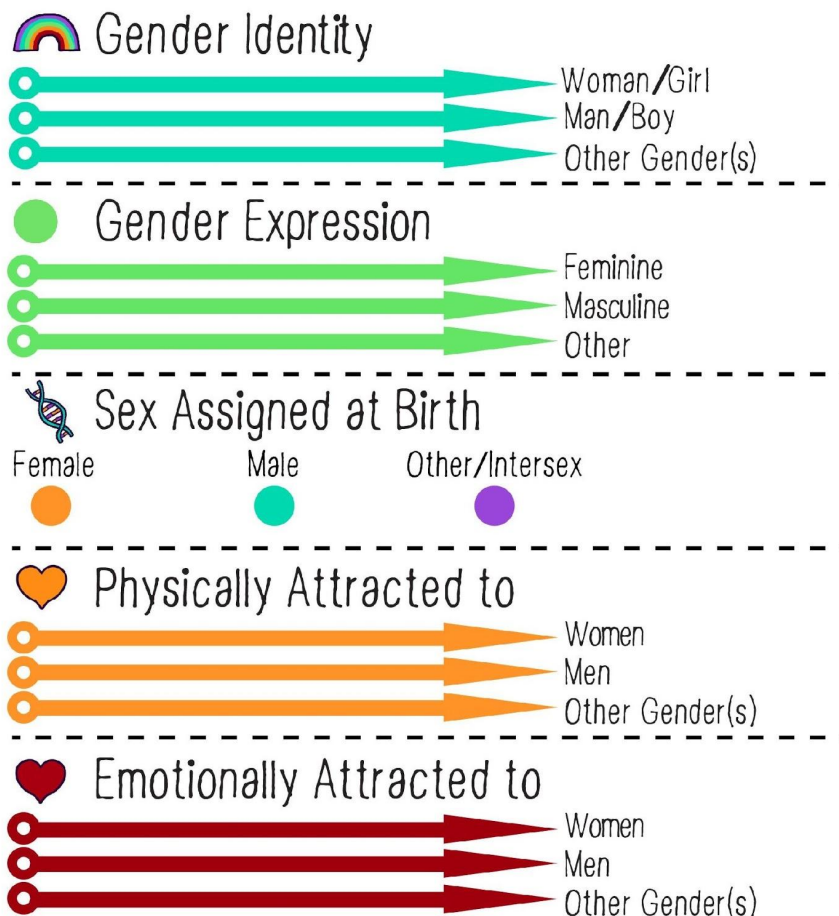
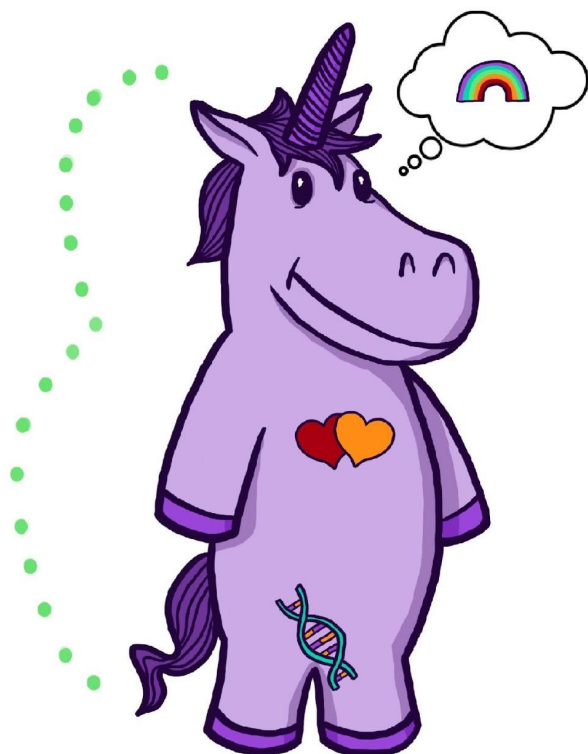
QUESTIONING: describes a person in the process of discovering their sexual orientation and/or gender identity.

Moving Beyond LGBTQ

- Some people prefer “LGBTQIA” to include intersex and asexual individuals
- Others prefer “LGBTQ+”
- Broadly speaking, the LGBTQ community is comprised of people who have a **sexual orientation** other than heterosexual, AND/OR a **gender identity** that differs from their sex assigned at birth or that does not conform to society’s expectations attached to birth sex.

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



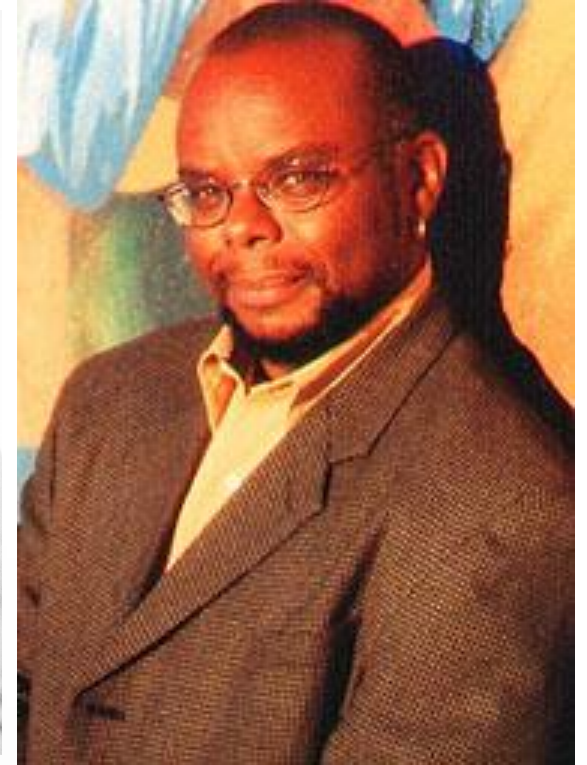
To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore



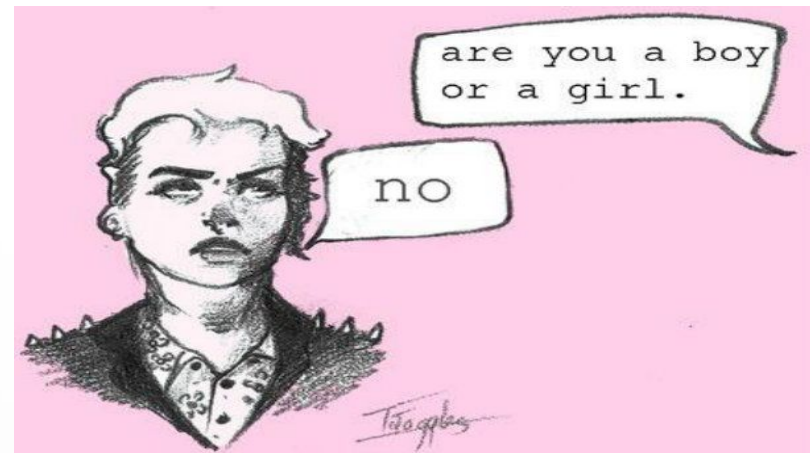
**TRANS WOMEN, TRANSGENDER WOMEN, TRANS
FEMININE, OR MTF***





**TRANS MEN, TRANSGENDER MEN,
TRANS MASCULINE, OR FTM***

Non-binary Identities*



Meaning a person identifies as neither, both, or beyond man or woman, masculine or feminine

Identities include:

- Genderqueer, Gender Non-Conforming, Third Gender, A-Gender, GenderFluid, and many more...
- Youth-focused: Gender expansive, gender creative

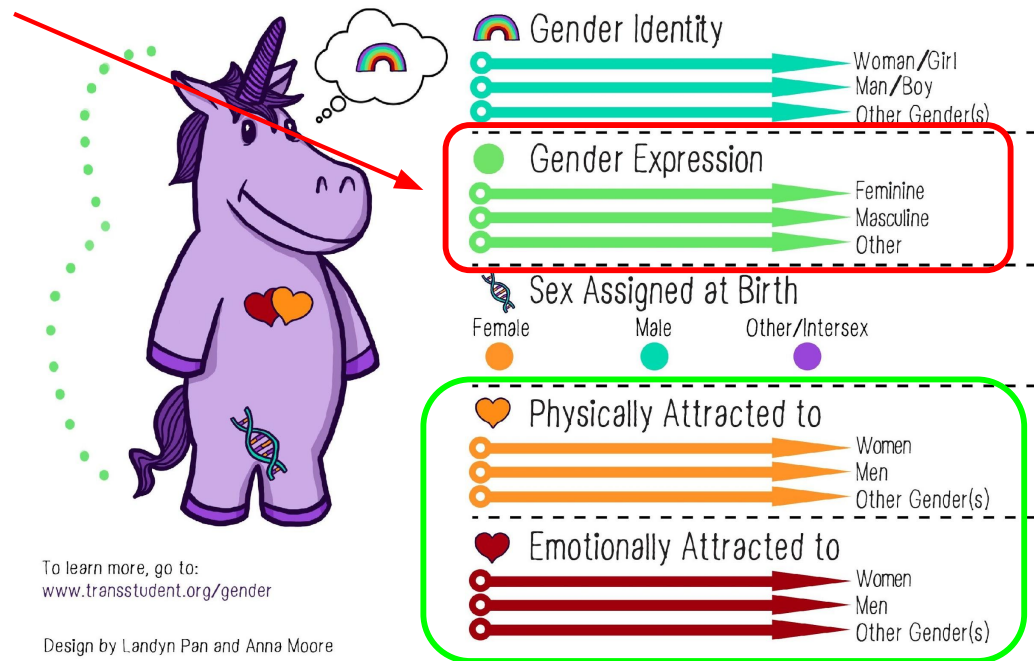


Gender Expression vs. Sexual Orientation

Gender *expression* – how they dress, wear their hair, and otherwise project an image that people might identify as being masculine, feminine, or otherwise

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



Sexual orientation is another facet of one's identity, and helps us to understand identities like gay, lesbian, bisexual, and more.

Some of the Numbers

While we don't have population-wide data, we estimate:

- 7.2% of our population is part of the LGBTQ community, which is about 400,000 people. ^[2]
- The highest proportion (9.0%) in Hampshire County. ^[2]
- Those aged 18-24 are the most likely to identify as part of the community, with 15.5% saying they are LGBTQ. ^[2]
- Among high school students, 14.2% identified as LGBTQ, while 2.9% identified as transgender. ^[3]



What is intersectionality? [9]



What intersectionality means to me is that you can have a disability and be Black and represent both identities and be able to be yourself. Also that you can be discriminated with both identities.

- Zuleny, she/her or they/them
Roxbury, MA

Part III:



Why Collect SOGIE Data?

Why does SOGIE data matter?

Policy making by and large rests on reliable data and empirical inquiries. However, an overwhelming amount of population surveys omit questions relating to SOGIE data, resulting in a dearth of understanding of the lived experiences of the LGBTQ community, their needs, and the policies that would improve their lives.

Collecting SOGIE data also provides a more intersectional lens to the vulnerabilities faced by marginalized populations and how those vulnerabilities may be compounded. For example, LGBTQ youth are overrepresented among youth involved in the juvenile justice system. 85% of justice-involved LGBTQ youth, however, are youth of color, demonstrating just how disproportionately this population is impacted by justice-involvement.

What SOGIE data tell us

While we should expect underreporting to an extent, SOGIE data, when thoroughly collected, can show us the extent to which LGBTQ youth are overrepresented in systems.

In the juvenile justice system, for example, SOGIE data collection tells us that:

- LGBTQ youth are twice as likely to enter the justice system than their non-LGBTQ peers
- 39% of justice-involved girls nationwide identify as LGB
- Transgender and gender-nonconforming people are twice as likely to have been incarcerated as other LGBQ people
- Transgender people of color report a rate of past incarceration 4 times higher than other LGBQ people

Illustrating the lived experiences of LGBTQ youth

Beyond system-involvement, SOGIE data collection helps illustrate the lived experiences of LGBTQ youth, and how these experiences lead them to certain outcomes. This is particularly important with respect to school experiences.

Table 2. Percent of Massachusetts High School Students Who Reported Social Support from Parents and/or School Staff by LGBTQ Identity, 2015-2017

	LGBTQ (N=705)	Non-LGBTQ (N=4473)
Neither parent nor school***	14.3%	9.1%
Parent only	16.6%	16.5%
School only***	15.5%	8.5%
Parent and school***	53.6%	65.9%

***Significant difference at the .001 level

Illustrating the lived experiences of LGBTQ youth

Table 1: Risk Factors Facing LGBTQ Versus Other Students, 2017.

Percent of Students Who Reported Risk Behaviors and Experiences, 2017	LGBTQ Students	Heterosexual - Cisgender Students	Relative Risk for LGBTQ Students
Bullied at school in the past year	22.3	12.8	1.7x
Skipped school in past month because felt unsafe	11.5	3.3	3.5x
Been in a physical fight at school in the past year	9.8	5.2	1.9x
Threatened or injured with weapon at school	9.0	4.4	2.1x
Bullied electronically in the last year	20.7	11.9	1.7x
Hurt self on purpose in the last year (e.g., by cutting, burning self)	35.6	11.2	3.2x
Seriously considered suicide in the past year	31.2	9.9	3.2x
Made a suicide attempt in the past year	16.3	4.1	3.9x
Can talk to parents about "things that are important to you"	73.9	81.1	0.9x
Any lifetime heroin use	5.2	0.9	5.8x
Had experienced sexual contact against their will	16.3	6.1	2.7x
Homeless	2.2	0.8	2.8x
<i>All differences between LGBTQ and Heterosexual/Cisgender students are statistically significant, $p < .01$.</i>			

Pathways to system-involvement

SOGIE data help illustrate the myriad ways that LGBTQ youth become involved in the juvenile justice system and help shed light on why they are twice as likely as non-LGBTQ youth to be system-involved.

Family rejection, the school-to-prison pipeline, and housing instability and homelessness are key drivers to involvement in the juvenile justice system, with many of those pipelines feeding into each other. Collecting SOGIE data at each of these points not only helps illustrate how LGBTQ youth become system-involved, but the points at which interventions could *prevent* LGBTQ youth from becoming system-involved.

Part IV:

Best Practices & Special Considerations

Across Many Disciplines, SOGIE Data Collection Central

CDC, AAP, AMA, and APA: SOGIE data collection is important for understanding and addressing health disparities of LGBTQ people.

CWLA: SOGIE data is necessary to secure the best outcomes for children and families.

AERA: SOGIE data collection is required to ensure that schools are safe for all students and to allow every student to reach their maximum potential.

Data + Policy + Training

- Data collection is central **and** it goes hand in hand with
 - Policy
 - Training
 - Transparency
 - Representation

Best Practices⁺

1. Make SOGIE questions universal – ask every youth
2. Include with other demographic data
3. Ensure self identification / self reporting
4. Accurate & culturally affirming language
5. Create a safe and inclusive environment
6. Ask periodically
7. Ensure confidentiality

Best Practices - Data Elements⁺▲

Sex assigned at birth: what sex were you assigned at birth? Female, male, intersex?

Gender: What is your gender? (check all that apply) Girl/woman; boy/man; transgender (if your gender is different now than at birth); genderqueer / nonbinary (if you don't identify with being a girl/woman or boy/man); two-spirit (indigenous term that describes people with both female and male energy); write in your own response

Best Practices - Data Elements⁺

Gender expression: What is your gender expression? Gender expression is how you dress, behave & carry yourself. Check all that apply: Feminine; Masculine; Two-spirit; Write in your own response.

Sexual orientation: What is your sexual orientation? Check all that apply: Asexual; bisexual; gay; heterosexual; lesbian; pansexual; queer; questioning; write in your own response.

Special Considerations

- Training is key to ensure people understand the importance of the questions and what they mean
- Regular review of data (and mandatory fields) to ensure questions are getting asked and answered
- Confidentiality is very important, though LGBTQ people generally are happy to share this info
- Need to identify points and manners in which it is most appropriate to ask these questions; easier with trusted individuals
- Answers can change over time, so leave the door open when possible

Reporting Considerations

- Given sensitive nature of the data, reporting in aggregate & maintaining confidentiality is key
- Low numbers of some groups and underreporting can lead to partial data, which can still be valuable
 - Example: DESE reporting of nonbinary students
 - Example: DYS numbers on LGBTQ youth
- Staff and partners may need support in how to correctly and appropriately discuss the data
 - Example: DPH issuing of style guides

Questions & Contact Information

- Contact the Commission at commission@ma-lgbtq.org for technical assistance or training opportunities.
- Find policy recommendations, read our research, subscribe to our newsletter, submit public comments, and more on our full website: <http://mass.gov/cgly>
- Contact Attorney Crozier at pcrozier@glad.org or for ways to contact GLAD Answers: <http://www.glad.org/know-your-rights/glad-answers/>

Citations and Sources

- Killermann, S. (2015, March 16). The Genderbread Person v3. Retrieved from <http://itspronouncedmetrosexual.com/2015/03/the-genderbread-person-v3/>
- Cahill, S., Geffen, S., Vance, A., Wang, T., & Barrera, J. Equality and Equity: Advancing the LGBT Community in Massachusetts. Retrieved from https://www.tbf.org/-/media/tbf/reports-and-covers/2018/lgbt-indicators-report_may-2018.pdf?la=en
- Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth. (2020). Massachusetts Commission on LGBTQ Youth: 2021 Report and Recommendations. Retrieved from <https://www.mass.gov/annual-recommendations>
- 2015 U.S. Transgender Survey: Massachusetts State Report. (2017). Washington, DC: National Center for Transgender Equality.
- Special Legislative Commission on Lesbian, Gay, Bisexual, and Transgender Aging. 2015. Report to the Commonwealth of Massachusetts. Massachusetts Joint Committee on Elder Affairs. Retrieved from: <https://www.lgbtagingcenter.org/resources/pdfs/MA-LGBT-Aging-Commission-Report-2015-FINAL-1.pdf>
- Massachusetts HIV/AIDS Surveillance Program; Massachusetts Department of Public Health; Bureau of Infectious Disease and Laboratory Sciences; Data as of 01/01/2018
- Massachusetts Commission on Unaccompanied Homeless Youth. (2015). Massachusetts Youth Count 2017. Retrieved from http://www.mahomeless.org/images/2017_Youth_Count_Report_-_Final.pdf
- Burwick, Andrew, Gary Gates, Scott Baumgartner, and Daniel Friend. (2014). Human Services for Low Income and At-Risk LGBT Populations: An Assessment of the Knowledge Base and Research Needs. OPRE Report Number 2014-79. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.
- What is intersectionality, and what does it have to do with me? (2017, March 29). Retrieved from <https://www.ywboston.org/2017/03/what-is-intersectionality-and-what-does-it-have-to-do-with-me/>
- Center for American Progress. (2015). Paying an Unfair Price: The Financial Penalty for LGBT People of Color in America. Retrieved from <https://www.lgbtmap.org/file/paying-an-unfair-price-lgbt-people-of-color.pdf>
- Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth. (2019). Massachusetts Commission on LGBTQ Youth: 2020 Report and Recommendations. Retrieved from <https://www.mass.gov/annual-recommendations>

Citations *(cont.)*

- . HIV Among Gay and Bisexual Men. (2018, February 27). Retrieved from <https://www.cdc.gov/hiv/group/msm/index.html>
- . Discrimination in America: Experiences and Views of LGBTQ Americans. (2017). Harvard T.H. Chan School of Public Health. Retrieved from <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.
- . American Psychiatric Association. The Road to Resilience. Retrieved July 25, 2018, from <http://www.apa.org/helpcenter/road-resilience.aspx>
- . Nogueira de Lira, A., & Araujo de Moraes, N. (2017). Resilience in Lesbian, Gay, and Bisexual (LGB) Populations: An Integrative Literature Review. Sexuality Research and Social Policy. Retrieved from <https://link.springer.com/content/pdf/10.1007/s13178-017-0285-x.pdf>.
- . National Center for Transgender Equality. Issues: Military and Veterans. Retrieved July 23, 2019 from <https://transequality.org/issues/military-veterans>
- . Upcoming Commission report based on MYRBS data, available 6/18/2020 at <http://mass.gov/annual-recommendations>.
- . Fredriksen-Goldsen, K. I., Kim, H., and Barkan, S. E. (2012). Disability Among Lesbian, Gay, and Bisexual Adults: Disparities in Prevalence and Risk. American Journal of Public Health, 102(1): e16-21. <http://doi.org/10.2105/AJPH.2011.300379>
- . Downing, J. M. et al. Health of Transgender Adults in the U.S., 2014-2016. American Journal of Preventive Medicine, 55(3): 336-344. Available at: [https://www.ajpmonline.org/article/S0749-3797\(18\)31870-1/fulltext](https://www.ajpmonline.org/article/S0749-3797(18)31870-1/fulltext)
- . Schaad, A. L. (2016). An Interview with Three Deaf Lesbians: Intersectionality and Saliency of Identity Variables. Dissertation, Wright State University School of Professional Psychology. Retrieved from https://etd.ohiolink.edu/!etd.send_file?accession=wsuppsych1435740841&disposition=inline
- . Conover, K. J., & Israel, T. (2019). Microaggressions and social support among sexual minorities with physical disabilities. Rehabilitation Psychology, 64(2), 167-178.
- . Biskupiak, A., Smith, S., & Kushalnagar, P. (2018). Pre-Exposure Prophylaxis Knowledge and Perceived Effectiveness to Prevent HIV Among Deaf Gay, Bisexual, and Queer Men. LGBT health, 5(8), 469-476. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6306671/>
- . National Center State Report. Retrieved from <http://www.transequality.org/sites/default/files/docs/usts/USTSMASStateReport%281017%29.pdf>

Citations *(cont.)*

- See, e.g., Luk, J. W., Filman, S. E., & Haynie, D. L., et al. (2018). Sexual Orientation and Depressive Symptoms in Adolescents. *Pediatrics*. 141(5).
- See, e.g., Schaad, A. L. (2016). An Interview with Three Deaf Lesbians: Intersectionality and Saliency of Identity Variables. Dissertation, Wright State University School of Professional Psychology. Retrieved from https://etd.ohiolink.edu/!etd.send_file?accession=wsuppsych1435740841&disposition=inline
- Canfield, A., M.P.P., Wilber, S., Esq., & Irvine, A., Ph.D. (2019). *The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being* (Rep.). Ceres Policy research.
- Wilson, B. D., Cooper, K., Kastanis, A., & Choi, S. K. (2016). *SURVEYING LGBTQ YOUTH IN FOSTER CARE: LESSONS FROM LOS ANGELES* (Rep.). Los Angeles, California: The Williams Institute.
- *National Survey of Youth in Custody* (Rep.). (n.d.). Washington, D.C.: Bureau of Justice Statistics.
- *Juvenile Justice Model Data Project* (Rep.). (2020). Washington, D.C.: Office of Justice Programs' National Criminal Justice Reference Service.

- * Special thanks to Mason Dunn for providing the images for slides 9-11.
- + Canfield, A., M.P.P., Wilber, S., Esq., & Irvine, A., Ph.D. (2019). *The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being* (Rep.). Ceres Policy research.
- ▲ Wilson, B. D., Cooper, K., Kastanis, A., & Choi, S. K. (2016). *SURVEYING LGBTQ YOUTH IN FOSTER CARE: LESSONS FROM LOS ANGELES* (Rep.). Los Angeles, California: The Williams Institute.