

From: Wolff, Joshua
Sent: Tue, 18 May 2021 00:19:08 +0000
To: T9PublicHearing
Subject: Title IX Comment
Attachments: Statement on Religious University LGBTQ Discrimination.pdf

Hello,

This comment is submitted on behalf of the signing groups listed in the document, regarding religious colleges and universities that claim Title IX exempt status to discriminate against LGBTQ+ persons. Please let me know if there are questions about the content.

Thank you,

Joshua

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American Psychology-Law Society
APA DIVISION 41

Society for HUMANISTIC PSYCHOLOGY

Society for Child and Family Policy and Practice
Division 37 of the American Psychological Association



SOCIETY FOR PSYCHOANALYSIS AND PSYCHOANALYTIC PSYCHOLOGY
DIVISION 39
AMERICAN PSYCHOLOGICAL ASSOCIATION



SOCIETY of GROUP PSYCHOLOGY and GROUP PSYCHOTHERAPY



SCRA
SOCIETY FOR COMMUNITY RESEARCH AND ACTION

Society for the PSYCHOLOGY of WOMEN
DIVISION 35 OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION



SOCIETY FOR THE PSYCHOLOGICAL STUDY OF MEN & MASCULINITIES
APA DIVISION 51

Professional Psychology Groups urge the U.S. Department of Education to Protect LGBTQ+ Students at Religious Colleges and Universities

Our signing professional psychological groups affirm the importance of religious diversity and freedom of religious expression. Further, our groups recognize that religion and spirituality (R/S) are important to the lives of thousands of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people.

While recognizing the potential benefits of religious faith and participation, our groups echo the *American Psychological Association's* (APA) statement that “prejudice based on or derived from religion continues to result in various forms of harmful discrimination,” as stated in the [APA Resolution on Religious, Religion-Based and/or Religion-Derived Prejudice](#)¹. Too many in the LGBTQ+ community are painfully aware of the ways in which they have been excluded from religious participation, condemned for their identities, and watched religion be used to oppose equity and civil rights for LGBTQ+ people all over the world – which have caused many harms to the community^{2,3}.

Decades of psychological research has consistently found that discrimination toward LGBTQ+ people is harmful, and can result in increased rates of suicide, mental health symptoms, substance abuse, isolation, and lower academic achievement in school settings⁴. We also know that policies and practices that promote equity and safety for LGBTQ+ people are associated with mental health benefits, improved wellbeing, and better academic outcomes⁴.

LGBTQ+ students and employees at *non-affirming faith-based colleges and universities* (NFBCUs) are discriminated against in admission, retention, and employment due to a combination of restrictive policies, stigma, absence of formal social support groups, and lack of legal protections⁵. Recent studies and reports suggest that LGBTQ+ students at NFBCUs may experience higher rates of bullying and harassment than their heterosexual and cisgender peers⁶, and develop mental health symptoms because of psychological distress and isolation^{6,7}.

Further, several studies show evidence that some LGBTQ+ students have been referred for *sexual orientation/gender identity change efforts* at NFBCUs^{6,7,8}. APA's [Resolution on Sexual](#)

This is an official statement of the Divisions, Societies, and Associations listed above, and does not represent the position of the American Psychological Association or any of its other Divisions or subunits.

Orientation Change Efforts⁹ (SOCE) states that “APA opposes SOCE because such efforts put individuals at significant risk of harm and encourage individuals, families, health professionals, and organizations to avoid SOCE.” Similarly, the APA Resolution on Gender Identity Change Efforts (GICE) states that “explicit attempts to change individuals’ gender according to cisnormative pressures [...] cause harm by reinforcing anti-transgender and anti-gender nonbinary stigma and discrimination”¹⁰. Our groups hold strong concerns that some NFBCUs have policies that attach disciplinary threats to transgender and non-binary students who transition¹¹, thus discouraging students from accessing gender-affirming medical and psychological services. These gender-affirming clinical services have been shown to be lifesaving for many transgender and non-binary people¹⁰.

Unlike LGBTQ+ people at non-religious universities, LGBTQ+ students and employees at NFBCUs are left with no legal protections due to exemptions in current Title IX legislation, which are granted by the U.S. Department of Education (ED)⁶. Consistent with APA’s Resolution on Opposing Discriminatory Laws, Policies, and Practices Aimed at LGBTQ+ Persons¹², our groups “oppose the enactment of laws, policies, and procedures that exempt any group from following antidiscrimination laws designed to protect any group”, and call upon policy makers and courts to recognize religious freedom without ignoring harmful practices and policies directed at LGBTQ+ people. Our groups also raise this concern given that NFBCUs are indirectly funded by the U.S. government through student loans, research grants, and other federal dollars; thus, taxpayers are, even if unwittingly, funding religiously-based discrimination.

In response, our groups call on ED to *investigate allegations of harm* toward LGBTQ+ students at NFBCUs, and to *take appropriate actions* to protect LGBTQ+ students.

Signatories:

Society for the Psychology of Sexual Orientation and Gender Diversity (APA Division 44)
Society for the Teaching of Psychology (APA Division 2)
Society for the Psychological Study of Social Issues (APA Division 9)
Society of Counseling Psychology (APA Division 17) Section on Lesbian, Gay, Bisexual, and Transgender issues
Psychologists in Public Service (APA Division 18)
Society for Military Psychology (APA Division 19)
Society for Community Research and Action (APA Division 27)
Society for Humanistic Psychology (APA Division 32)
Society for the Psychology of Women (APA Division 35)
Society for Child and Family Policy and Practice (APA Division 37)
Society for Psychoanalysis and Psychoanalytic Psychology (APA Division 39)
American Psychology-Law Society (APA Division 41)
Society of Group Psychology and Group Psychotherapy (APA Division 49)
Society for the Psychological Study of Men & Masculinities (APA Division 51)
International Psychology (APA Division 52)
Society for Pediatric Psychology (APA Division 54)
Asian American Psychological Association (AAPA)
National Latinx Psychological Association (NLPA)/Orgullo Latinx: Sexual Orientation and Gender Diversity special interest group

References

- ¹ American Psychological Association. (2007, August 16). *Resolution on Religious, Religion-Based and/or Religion-Derived Prejudice*. <https://www.apa.org/about/policy/religious-discrimination.pdf>
- ² Hatzenbuehler, M. L., Keyes, K. M., & Hasin, D. S. (2009). State-level policies and psychiatric morbidity in lesbian, gay, and bisexual populations. *American Journal of Public Health, 99*, 2275-2281. <https://doi.org/10.2105/AJPH.2008.153510>
- ³ Gibbs, J. J., & Goldbach, J. (2015). Religious conflict, sexual identity, and suicidal behaviors among LGBT young adults. *Archives of Suicide Research: Official Journal of the International Academy for Suicide Research, 19*(4), 472–488. <https://doi.org/10.1080/13811118.2015.1004476>
- ⁴ American Psychological Association. (n.d.). *Social science research supporting passage of the Equality Act (H.R.5/S. 788)*. <https://www.apa.org/advocacy/civil-rights/sexual-diversity/equality-act-research.pdf>
- ⁵ Wolff, J., Okech, J. A., Smith, L. C., & Southwick, P. J. C. (2020). Protecting sexual and gender minorities in academic institutions with disallowing policies: Psychological, ethical, and accreditation concerns. *Training and Education in Professional Psychology, 14*(3), 249–256. <https://dx.doi.org/10.1037/tep0000272>
- ⁶ Religious Exemption Accountability Project and College Pulse (2021). *The LGBTQ+ Student Divide: The State of Sexual and Gender Minority Students at Taxpayer-Funded Christian Colleges*. <https://www.thereap.org/>
- ⁷ Wolff, J. R., Himes, H. L., Soares, S. D., & Miller Kwon, E. (2016). Sexual minority student experiences in non-affirming religious higher education: Mental health, outness and identity. *Psychology of Sexual Orientation and Gender Diversity, 3*(2), 201-212. <https://doi:10.1037/sgd0000162>
- ⁸ Craig, S. L., Austin, A., Rashidi, M, and Adams, M. (2017). Fighting for survival: The experiences of lesbian, gay, bisexual, transgender, and questioning students in religious colleges and universities. *Journal of Gay and Lesbian Social Services, 29*(1), 1-24.
- ⁹ American Psychological Association (February, 2021). *APA Resolution on Sexual Orientation Change Efforts*. <https://www.apa.org/about/policy/resolution-sexual-orientation-change-efforts.pdf>
- ¹⁰ American Psychological Association (February, 2021). *APA Resolution on Gender Identity Change Efforts*. <https://www.apa.org/about/policy/resolution-gender-identity-change-efforts.pdf>
- ¹¹ Jaschik, S. (July 14, 2014). *Freedom of Religion or Freedom to Discriminate? Inside Higher Ed*. <https://www.insidehighered.com/news/2014/07/14/two-legal-cases-illustrate-growing-tensions-over-rights-transgender-students>
- ¹² American Psychological Association (n.d.). *Resolution on opposing discriminatory laws, policies, and practices aimed at LGBTQ+ persons*. <https://www.apa.org/pi/lgbt/resources/policy/opposing-laws>