

FILE NO. 992157

RESOLUTION NO. 102-00

1 [Transgender Civil Rights Implementation Task Force]
 2 RESOLUTION ESTABLISHING THE TRANSGENDER CIVIL RIGHTS IMPLEMENTATION
 3 TASK FORCE TO MAKE RECOMMENDATIONS TO THE MAYOR AND THE BOARD OF
 4 SUPERVISORS AND SETTING FORTH THE MEMBERSHIP AND DUTIES OF THE TASK
 5 FORCE.

6
 7 WHEREAS, In 1994 the Human Rights Commission held a hearing on discrimination
 8 against the transgender community and issued a report with findings and recommendations;
 9 and,

10 WHEREAS, Since 1994 there has been some progress made to address these
 11 recommendations, most notably the addition of "gender identity" as a protected class to the
 12 City's anti-discrimination ordinance; and,

13 WHEREAS, The majority of the recommendations from the HRC report have not been
 14 implemented by city departments and the private sector; and,

15 WHEREAS, Complaints to the Human Rights Commission, to the Department of
 16 Human Resources and to the Office of Citizen Complaints have been filed by the transgender
 17 community consistently and this shows that civil rights abuses continue to occur on a
 18 Citywide basis for the transgender community; and,

19 WHEREAS, Members of the community have reported abuses particularly in the areas
 20 of employment, hate violence, the relationship between the community and law enforcement,
 21 housing, public accommodations and medical provision; and,

22 WHEREAS, Due to the high number of civil rights abuses, and in recognition of the
 23 report by the HRC, significant systemic changes need to occur within San Francisco City
 24 Departments and the private sector, and a coordinated community outreach effort needs to
 25 be implemented in order to resolve these issues; and,

SUPERVISORS
 MARK LENO, TOM AMMIANO, LESLIE KATZ, SUE BIERMAN, MABEL TENG,
 BOARD OF SUPERVISORS GAVIN NEWSOM

1 WHEREAS, Due to the extensive number of previous reports, studies and
2 recommendations, the emphasis of new actions should be placed on implementation rather
3 than investigation; now, therefore, be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 hereby establishes a Transgender Civil Rights Implementation Task Force that will develop
6 systemic policy recommendations to implement Citywide change in six areas, including:

7 A) Employment

8 including, but not limited to

- 9 • Private employers within San Francisco should be made aware of the City's non-
10 discrimination ordinance which includes protection on the basis of "gender-identity." They
11 and business support organizations such as the Chamber of Commerce should provide
12 sensitivity trainings, institute hiring outreach to the transgendered community by
13 advertising in local transgender community publications, and ensure that their
14 transgendered employees, customers and clients are treated with respect.
- 15 • The Department of Human Resources should ensure that its investigators are trained in
16 transgender issues, publicize to City and County employees the rights of transgendered
17 persons, and ensure that transgendered persons are not disqualified from employment, or
18 discriminated against by any City agency, based upon transgender status or identity, or
19 upon perceived transgender status or identity.
- 20 • Employees of the City and County of San Francisco should be made to understand that
21 discrimination against transgendered people is grounds for disciplinary action.
- 22 • Arbitrary gender-specific dress codes should not be imposed where they are not
23 necessary. In such instances in which there is a reasonable requirement for a dress code
24 or for specific gender separation in facilities then reasonable accommodations should be
25

1 made so that the transgendered person's dignity and privacy are preserved, and the
2 concerns of others are also considered.

3
4 B) Hate violence

5 including, but not limited to

- 6 • The City and County of San Francisco should budget for a position with the Human Rights
7 Commission for the purpose of coordinating education and investigating and mediating
8 claims. Outreach should be done to the transgender community in the hiring process for
9 this position to ensure that transgendered applicants are considered.
- 10 • The District Attorney should consider an increased budget for community agencies which
11 address hate violence against the transgender community to enable the administrators of
12 those agencies to hire additional staff to provide outreach, education and client services
13 involving transgendered persons as well as legal support for discrimination lawsuits.

14
15 C) Community relations with Law Enforcement

16 including, but not limited to

- 17 • The San Francisco Police and Sheriff's Departments should conduct sensitivity training for
18 all personnel, not just new recruits, to ensure that transgendered persons are treated with
19 respect, that their complaints are taken seriously and acted upon with reasonable
20 dispatch, and if a transgendered person is detained or incarcerated, he or she should be
21 housed in a manner which is consistent with the individual's gender identity. His or her
22 prescribed medication should be provided in these instances, and if the transgendered
23 person's safety is compromised or at risk, he or she should be immediately protected and
24 not subjected to any physical or psychological harm perpetuated by other inmates or
25

1 officers. Transgendered persons should have the right to be placed in protective custody
2 upon request.

- 3 • The San Francisco Police and Sheriff's Departments should use terminology that is
4 appropriate to an individual's gender identity on departmental forms and police reports,
5 and refrain from insulting or compromising the privacy and dignity of persons who may
6 have physical anomalies.

7
8 D) Housing

9 including, but not limited to

- 10 • The Department of Human Services should conduct transgender sensitivity training for its
11 personnel to ensure that transgendered persons are treated with respect, that their
12 complaints are taken seriously and acted upon with reasonable dispatch, that their fitness
13 as parents is not judged solely on the basis of prejudice against transgendered persons,
14 and that transgendered clients do not endure physical or psychological abuse in the
15 process of obtaining services.

16
17 E) Public accommodation/social services

18 including, but not limited to

- 19 • The City and County of San Francisco should conduct sensitivity training for its employees
20 to demystify the subject of transgender experience and prepare both management and
21 front-line employees to appropriately handle situations that may arise involving
22 transgendered persons or the reactions of others to them
- 23 • Employers, businesses and public agencies should not restrict the access of
24 transgendered persons to public restroom facilities that are appropriate to the person's
25 gender identity.

- 1 • The administrators of homeless shelters, battered women’s shelters, substance abuse
2 treatment programs, rape crisis centers, and other providers of social services in San
3 Francisco should ensure that their staff is trained in transgender sensitivity, that their
4 program eliminates forced disclosure of transgender status as a requirement for receipt of
5 services, and ensure that transgendered persons are not disqualified from receiving
6 services based upon transgender status or identity, or upon perceived transgender status
7 or identity.
- 8 • Professionals serving transgendered persons should be held to their professional ethics. It
9 may be appropriate to avoid transgendered clients because of lack of expertise, but it is
10 discrimination to avoid them because of aversion to their condition. Furthermore,
11 confidentiality agreements with transgendered individuals and attorneys, insurance
12 companies, physicians, therapists, counselors, social service agencies, etc., are extremely
13 important to uphold. Persons who are privy to confidential information of a client or patient
14 who is a transgendered person could use such information in ways that could be highly
15 damaging to the individual.

16
17 F) Medical provision

18 including, but not limited to

- 19 • The Department of Public Health should conduct transgender sensitivity training for all
20 personnel to ensure that transgendered persons are treated with respect and dignity, that
21 their complaints are taken seriously and acted upon with reasonable dispatch, that their
22 physical health needs are not overlooked due to prejudice against transgendered persons,
23 and that transgendered clients and patients do not endure physical or psychological
24 abuse in the process of obtaining services.

- 1 • Medical service providers, including hospitals, clinics and private practitioners, should
2 ensure that they and their support staff are adequately trained to handle transgendered
3 patients, to protect their health, and to ensure that their programs eliminate all
4 unnecessary forced disclosure of transgender status as a requirement of receipt of
5 services, to ensure that transgendered persons are not disqualified from receiving
6 services based upon transgender status or identity, or upon perceived transgender status
7 or identity, and to ensure that transgendered persons are treated with dignity and respect
8 regardless of what surgery or treatments they have had or have not had.
- 9 • The Department of Public Health and all other medical service providers should refrain
10 from treating transgendered patients and clients as if they are “on display” or otherwise
11 objectify them or subject them to dehumanizing treatment, preserving the client or
12 patient’s dignity, privacy and confidentiality, and that they also require employees and
13 contractors to comply with this non-discrimination policy.
- 14 • Insurance companies should acknowledge that transexualism is a medical condition for
15 which medical treatment is warranted and for which insurance coverage should be
16 available. The Health Services System Board should modify the City Plan to cover
17 transsexual treatment and procedures in order to serve as a model for other insurance
18 carriers.
- 19 • While transgendered persons should not be recognized as disabled, if a transgender
20 person does become disabled, for example, as a result of transsexual related treatment or
21 procedures, or for any other reason, that treatment for the resulting condition should be
22 covered under the Americans with Disabilities Act, and the City should lobby Congress
23 and the State Legislature to amend Federal and State disability laws accordingly.
- 24 • Transgendered persons should not have to be certified by medical, psychological, or other
25 service providers in order to enjoy the rights and privileges of society; and, be it

1 FURTHER RESOLVED, that in addition to the six areas of focus mentioned above,
2 the Task Force will address the issues of community education and transgender issues, and
3 transphobia in the lesbian and gay communities; and, be it

4 FURTHER RESOLVED, That the task force will hold meetings at least once a month,
5 and will make four quarterly reports over its first year with its first three month report
6 addressing hate violence and community relations with law enforcement, its second three
7 month report addressing employment, its third three month report addressing housing and
8 public accommodations and its fourth three month report addressing medical provision. After
9 one year and four reports, the task force will review its work for the year and create a work
10 schedule for its second year to complete unfinished work of the first cycle, and address new
11 topics that have surfaced; and, be it

12 FURTHER RESOLVED, That the quarterly reports and the issues assigned to each
13 quarter are intended to create structure for the task force and may be changed or delayed
14 beyond any three month period if the Task Force finds an extension desirable; and, be it

15 FURTHER RESOLVED, That during each quarter of the first year, City Departments
16 and community agencies will be invited to participate in an advisory role to the Task Force in
17 order to provide consultation on issues of focus during the quarter, but these participants will
18 serve only in an advisory capacity, and will not be members of the Task Force; and, be it

19 FURTHER RESOLVED, That after two full years the task force will issue a final
20 comprehensive report on the six mentioned areas of focus, as well as additional areas of
21 focus identified in year two, as well as any recommendations that are broadly appropriate to
22 all of the areas of focus; and, be it

23 FURTHER RESOLVED, After two full years, the Task Force shall expire, unless it is
24 renewed by the Board of Supervisors for a time determined at that point; and, be it
25

1 FURTHER RESOLVED, That the Task Force shall be composed of 11 transgender
2 community members appointed by the Board of Supervisors, 3 transgender community
3 members appointed by the Mayor, and 3 transgender community members appointed by the
4 Human Rights Commission, and all appointed members shall serve at the pleasure of their
5 appointing authorities; and, be it

6 FURTHER RESOLVED, That appointments made by the Board of Supervisors, the
7 Mayor and the Human Rights Commission should represent the diversity of the transgender
8 community; and, be it

9 FURTHER RESOLVED, That any member of the Task Force who misses two
10 consecutive meetings of the Task Force without prior notification, or a total of four Task Force
11 meetings regardless of notification shall be deemed to have resigned from the Task Force;
12 and, be it

13 FURTHER RESOLVED, That the Task Force shall be staffed by a member of the
14 office of Supervisor Mark Leno to support the Task Force with administrative needs; and, be it

15 FURTHER RESOLVED, That the resources of the City Attorney's office, the Legislative
16 Analyst's office, the Controller's office, and the Budget Analysts office shall be available to the
17 task force during their deliberations.



City and County of San Francisco

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Tails

Resolution

File Number: 992157

Date Passed:

Resolution establishing the Transgender Civil Rights Implementation Task Force to make recommendations to the Mayor and the Board of Supervisors and setting forth the membership and duties of the task force.

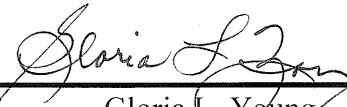
February 7, 2000 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng

Absent: 2 - Yaki, Yee

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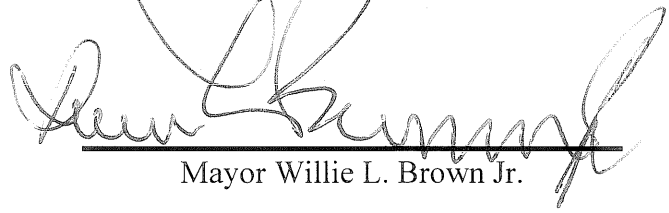
I hereby certify that the foregoing Resolution was ADOPTED on February 7, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB 18 2000

Date Approved



Mayor Willie L. Brown Jr.