



Model Policy to Support Safe Collection and Beneficial Use of SOGIE Data

I. Background and Purpose

[Agency] recognizes the unique risks faced by lesbian, gay, bisexual, transgender, questioning, intersex (LGBTQI) and gender nonconforming (GNC) youth involved in the juvenile justice system, and the importance of accurate data to inform policy and practice. Among the data collected at intake, [agency] will ask each youth about their sexual orientation, gender identity, and gender expression (SOGIE) to:

- Promote the safety and well-being of all youth
- Affirm the SOGIE of all youth
- Develop individualized case plans
- Inform agency planning
- Measure bias, disparities, and outcomes
- Generate aggregate data

The purpose of this policy is to promote a professional environment in which [agency] employees and contractors treat all youth, irrespective of SOGIE, fairly and respectfully, maintain the confidentiality of their SOGIE, and utilize SOGIE data to promote their safety and well-being.

II. Scope

This policy applies to all employees and contractors of [agency], and protects all youth served by [agency]. The policy will be disseminated and implemented prior to collection of SOGIE data from youth served by [agency].

III. Policy

A. Nondiscrimination

- Employees and contractors will provide each youth with fair and equal treatment and access to services, irrespective of the youth's actual or perceived SOGIE.
- Employees and contractors will not discriminate against any youth based on the youth's actual or perceived SOGIE.

B. Equal and Respectful Treatment

- Employees and contractors will interact respectfully with all youth, irrespective of SOGIE.

- Employees and contractors will not use language that demeans, ridicules, or condemns lesbian, gay, bisexual, transgender, queer/questioning, intersex or gender nonconforming (LGBTQI or GNC) individuals. They will not imply to or tell LGBTQI or GNC youth they can or should change their SOGIE. Nor will they attempt to change a youth's SOGIE.
- Employees and contractors will use the chosen name and pronoun of transgender or GNC youth, regardless of the name on the youth's identity documents or arrest or court records.
- Employees and contractors will apply consistent behavioral standards to all youth, irrespective of SOGIE.
- Employees and contractors will not punish nor prohibit behavior that they perceive to defy gender norms.
- Employees and contractors will intervene promptly and appropriately when anyone harasses or mistreats a youth based on the youth's actual or perceived SOGIE.

C. Policy Dissemination

- At the time of intake, staff will provide both a written and verbal explanation of this policy to all youth in a manner that they can understand, paying attention to language and literacy needs.
- Staff will provide all youth with a copy of this policy and verbally inform them of their rights under this policy and the procedures for reporting violations.

D. Grievance Procedure

- [Agency] personnel will create a process by which youth can submit grievances related to this policy.
- The process must be accessible to all youth, including those with limited literacy, limited English proficiency, or intellectual or developmental disabilities.
- The process must be confidential and provide for fair and prompt consideration and resolution of grievances, and must prohibit retaliation.

E. Confidentiality

- Staff will not disclose information about a youth's SOGIE to anyone, including the youth's parents, without obtaining the youth's consent, unless disclosure is required by law or court order.

- Any disclosure of confidential information related to a youth’s SOGIE will be limited to information necessary to achieve a specific beneficial purpose, which must be documented.

F. Training of Employees, Contractors, and Volunteers

- [Agency] will ensure that all employees and contractors receive training on this policy.

G. Intake and Assessment

- Intake staff will ask youth about their SOGIE and will not make assumptions based on appearance or stereotypes. Staff will not compel youth to disclose this information, nor threaten a youth with discipline or other punishment for refusing to disclose this information.
- If a youth discloses that they are LGBTQI, the person conducting the intake will talk with the youth about it in an open and non-judgmental fashion and determine if the youth has concerns or needs related to their SOGIE.

IV. Definitions

For purposes of the Policy, the following definitions apply:

Bisexual

Describes a person who is attracted to both men/boys and women/girls.

Contractor

Any person who provides services to youth pursuant to a contract or Memorandum of Understanding with the [agency].

Discrimination

Any act, policy, or practice that, regardless of intent, has the effect of subjecting any youth to differential treatment based on that youth’s actual or perceived SOGIE.

Employee

Any person who is employed directly by [agency].

Gay

Describes a person who primarily is attracted to individuals of the same gender. While historically used to refer specifically to men/boys, the term may be used to refer to women/girls attracted to other women/girls as well.

Gender Expression

Describes how individuals communicate their gender to others through hairstyles, clothing, mannerisms, alterations of their body or by choosing a name that reflects their gender identity.

Gender Identity

A person's innate, hardwired, internal sense of being male, female, both, or neither.

Gender Non-Conforming (GNC)

Describes a person whose expression of gender departs from prevailing cultural and social expectations about what is appropriate for their gender.

Harassment

Includes, but is not limited to, name-calling, disrespectful gestures, jokes, or comments, inappropriate touching, threats of physical or emotional acts or negative consequences (including religious condemnation), and physical, sexual or emotional abuse.

Intersex

Describes people born with sex chromosomes, external genitalia or internal reproductive systems that are not considered "typical" for either males or females.

Lesbian

Describes a woman/girl who is attracted to other women/girls.

Sexual Orientation

An attraction to others that is shaped at an early age (usually by about the age of 10). Sexual orientation falls on a spectrum that ranges from attraction to only men/boys or only women/girls, to varying degrees of attraction to both men/boys and women/girls, to attraction to neither men/boys nor women/girls.

Transgender

Describes a person whose gender identity and sex assigned at birth do not match. A transgender man is a person who was assigned female at birth, but identifies as and is living as a man. A transgender woman is a person who was assigned male at birth, but identifies as and is living as a woman.