

Innovations in Non-discrimination Laws: Exploratory Research on Transgender-inclusive Cities

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The first laws prohibiting discrimination based on gender identity and expression emerged over 30 years ago. In recent years there has been an explosion of policy adoptions by communities all over the United States. From 1975 to 1997, only 16 communities adopted transgender nondiscrimination laws; from 1998 to 2005, 77 communities did so. Along with exploring the recent surge in communities' adoption of transgender (trans)-inclusive laws, this exploratory research uses archival data and surveys of 74 cities, to highlight significant factors that help to explain innovation in transgender-inclusive policies. The initial results indicate that innovation can best be explained via an urbanism/social diversity framework. Significant variables in this model include the population and racial diversity of a community, as well as the number of same-sex households, the number of colleges and percentage of college students, and a Democratic majority in the 2004 election.

In 1975, Minneapolis became the first city in the country to prohibit discrimination based on gender identity or expression. Since then, the number of states and local jurisdictions providing protection for transgender individuals has steadily increased. Currently, almost 100 communities nationwide have provisions that—at a minimum—ban discrimination against transgender individuals in public employment. As a result of court rulings, executive orders, statutes, and ordinances, 27% of the U.S. population is now covered by a transgender-inclusive nondiscrimination employment policy (The Task Force 2005).

Cities are leading the effort to innovate transgender protections in employment nondiscrimination policies. From 1975 to 2005, 89 communities adopted transgender-inclusive policies; of these, 74 are cities. The rate of innovation is also noteworthy. From 1975 to the present, two-thirds of these adoptions occurred between 2000 and 2006. That is to say, from 1975 to 1997, only 16 communities adopted transgender nondiscrimination laws and from 1998 to 2005, 77 communities did so. The rise in the number of innovating communities initiated this research question: *What factors help to explain the dramatic rise in the number of cities adopting transgender-inclusive*

nondiscrimination policies? This exploratory research seeks to identify common variables that help to explain this innovation.

In recent years, communities that enacted legislation with protections based on sexual orientation simultaneously adopted transgender-inclusive legislation; however, it is not clear whether these innovations occurred due to the same sets of factors.

Definitions and Concepts

The term “transgender” refers to people whose gender identity and expression differ from their biological sex (Letellier 2003). This includes intersexed people, transsexuals, cross-dressers, and others who do not conform to societal expectations of gender (Lombardi et al. 2001). People who are in the process of aligning their sex with their gender are referred to as being “in transition.” Transitioning can include changing one’s name, taking hormones, having surgery to alter the body, and changing legal documents to reflect one’s new sex.

Gender identity and expression are often thought of in the context of sexual orientation. The concepts are, however, different. Gender identity is a person’s internal sense of maleness, femaleness, or something other than the two. Sexual orientation refers to the gender or sex of another person to whom one is physically or emotionally attracted (Letellier 2003). Homosexuality, bisexuality, and heterosexuality are all sexual orientations. Since sexual orientation has to do with the people to whom one is attracted (and not one’s own gender), transgender people—just like the rest of the population—can be homosexual, bisexual, or heterosexual.

Historically and politically, the gay rights movement and the transgender rights movement have been linked. As sexual minorities, both communities have fought to pass more inclusive nondiscrimination civil rights laws (Currah, Jueng, and Minter 2006; D’Emilio 1983).

While gender identity is not necessarily clearly visible to others, the gender expression of people in transition is usually quite apparent to family, friends, and co-workers—and may be evident to strangers as well as. The process of transitioning can be a challenge for all involved, directly and indirectly. Given rigid societal ideas about the meanings of male and female, masculine and feminine, it is not hard to imagine the challenges and societal resistance, including prejudice, harassment, violence, and discrimination, that nonconformists such as transgender people face..

Harassment, Violence, and Discrimination

Discrimination occurs when governments, institutions, or individuals treat people differently based on personal characteristics such as (but not limited to) sex, sexual orientation, gender identity, racial or ethnic identity, age, or health status (Supateera and Kleiner 1999). Discrimination can take a number of forms, including direct and indirect discrimination and harassment. Direct discrimination is an explicit policy or law that generates unequal treatment, such as the ban on transgender persons serving in the U.S. military. Indirect discrimination can be an implicit side effect of another policy or decision, for instance, a dress code that requires women to wear skirts. Such a rule, while equally applied to men and women, might adversely affect female-to-male transgender people, for whom trousers may be an important expression of gender identity. Harassment is behavior that “has the purpose or effect of creating an

intimidating, hostile, offensive or disturbing environment” (Shaffer et al. 2000). Derogatory remarks or jokes could constitute actions contributing to an offensive environment. Most nondiscrimination policies address direct discrimination; in some cases, they also deal with harassment.

While discrimination against gay men and lesbians has been documented with some consistency, research on discrimination against transgender people has been less systematic. Research on employment discrimination suggests that actual or perceived discrimination based on sexual orientation may negatively affect hiring, firing, and promotions. The most commonly cited research suggests that between 16% and 46% of surveyed gay men, lesbians, and bisexuals have reported experiencing employment discrimination (Cohen, O’Byrne, and Maxwell 1999).

While researchers and advocates have attempted to document transgender discrimination systematically, anecdotal data and self-reporting continue to be the main sources of information. This does not devalue these reports and surveys; it does, however, highlight the existing difficulty in gathering accurate and valid data regarding transgender discrimination, and little data exists that provides an accurate picture.¹

The limited research available suggests that transgender people face enormous pressure to conform to their birth gender; lack of conformity to these social pressures translates into discrimination, harassment, and violence. Lombardi et al. (2001) offer the most comprehensive study of violence and discrimination against transgender people. Their research included surveys of transgender people through community events and via the Internet, yielding a final sample of 402 surveys. The authors concluded that 59.5% of the sample had experienced violence or harassment in their lifetimes, and 37.1% had experienced economic discrimination. The authors also found a strong link between economic discrimination and violence, leading them to conclude that the workplace can be one of the most dangerous places for transgender people. Their conclusions are similar to several smaller studies, including Minter and Daley’s (2003). Minter and Daley (2003) found that nearly 50% of their 155-person sample experienced employment discrimination based on gender identity. Oswald, Gebbie, and Culton (2000) surveyed rural lesbian, gay, bisexual, and transgender (LGBT) people. One percent of their sample of 527 LGBT rural people in Illinois was transgender. Acknowledging the limitations of the sample size, the authors found that co-workers were the most likely the perpetrators of harassment.

In addition to general workplace violence, harassment, and discrimination, a few studies have explored schools as unique workplace environments. Irwin (2002) explored the workplace experiences of 120 gay men, lesbians, and transgender people who were employed as teachers, academics, and educators, and found that harassment was widespread in the educational environment. Irwin’s conclusions match the results of Sausa (2002), who interviewed transgender students, staff, and faculty about harassment and discrimination and found that schools were often ignorant of or ill-equipped to meet the needs of transgender people on campus. As a result, transgender people often become isolated, their needs ignored by faculty and administrators.

¹ A number of research studies have attempted to gather data on the transgender community in conjunction with gay and lesbian research. These studies rarely disaggregate and analyze the data about transgender people. Those that have highlighted transgender issues have been included in the literature review.

While very little data exists about transgender people and their experiences of harassment, violence, and discrimination, these initial studies point to an alarming trend. The data suggest that action must be taken to ensure workplace safety for transgender people. Even without systemic data, a prima facie consideration of transgender people suggests that harassment, violence, and discrimination are real and that corrective policies would benefit the workplace environment for all employees.

Legal Context for Transgender Protections

While a plethora of legal cases exists as a result of gay men and lesbians accessing the courts to seek redress in all areas of civil rights, from employee benefits to public accommodation to domestic partner recognition, very few transgender-related cases have been settled favorably for plaintiffs. However, there have been several groundbreaking cases that should be mentioned.

Through the 1970s, federal courts held that Title VII of the 1964 Civil Rights Act did not protect transgender people from discrimination. This began to change in 1989 with *Price Waterhouse v. Hopkins*. This decision determined that “gender stereotyping” cannot be a component of promotion, and such actions violated Title VII. The case opened the doors for claims to be made by transgender people who believe they were discriminated against for gender nonconformity. In March 2005, the Sixth Circuit Court in *Barnes v. City of Cincinnati*—citing *Price Waterhouse v. Hopkins*—ruled in favor of the transgender plaintiff. In this case, an Ohio police officer had been demoted due to transitioning from one sex to another. The Sixth Circuit found that Title VII applied to transgender individuals and that the police department had violated the law.

During this same time period, courts and administrative agencies in Connecticut, Massachusetts, New Jersey, and New York all found that transgender people, who had been discriminated against because of their gender identity, had a right of action under existing state and/or local sex-related nondiscrimination laws.

In addition to successful claims made in the area of sex discrimination, transgender people have also sought recourse under disability nondiscrimination laws. Courts in Massachusetts and New Jersey have upheld cases affirming that transgender people are protected under their states’ disability laws. From an administrative perspective, agencies in Florida and Illinois have also interpreted protection under state disability laws (NCLR 2006).

On the federal level, however while courts have recognized limited protections for transgender people under sex and disability provisions, and despite the American Psychiatric Association’s diagnosis of Gender Identity Disorder/Gender Dysphoria, transgender people are specifically excluded from protection under the Americans with Disabilities Act.

Gay Rights in the United States

This project models and builds upon on the research of Button, Rienzo, and Wald (1997) and their analyses of communities adopting gay rights laws.² While transgender-related laws are not identical to those related to sexual orientation, they do

² This project is not an identical replication as Button, Rienzo, and Wald used several variables unique to their interest in sexual orientation nondiscrimination laws.

share a contentious moral and political history. This shared history makes such a comparison ideal. While literature and research on innovation in gay rights continue to expand, there is a paucity of published data. Four major works consider gay rights innovation in-depth: Colvin's (2005); Haider-Markel and Meier's (1996); Klawitter and Hammer's (2000); and Button, Rienzo, and Wald's (1997). Of these four sources, Button et al. (1997) conducted the most comprehensive study of gay rights policies and innovation in the United States. Their sample consisted of 126 cases (from 101 cities and 25 counties). These cases were identified using the National Gay and Lesbian Task Force's 1993 document, "Lesbian and Gay Civil Rights in the United States," which listed 98 cities and 25 counties that provided legal protections based on sexual orientation. Button et al. surveyed these communities to verify their status and to identify neighboring jurisdictions with legal protections. Their verification process yielded the 126 cases. After determining the appropriate contacts, questionnaires were sent to officials in July 1993. The three researchers used Dillman's Total Design Method (1978). Through follow-up mailings and telephone calls, the authors were able to get responses from all of the communities identified (Button et al. 1997).

The comparison sample of communities—all without legal protection based on sexual orientation—was randomly selected from the database of 7,175 cities and 3,034 counties maintained by the International City/County Management Association (Button et al. 1997). After drawing an initial sample of 177 communities, the authors deleted invalid cases for a final comparison sample of 137 cases. They sent brief surveys to the clerks of each community. Using the same follow-up techniques, they obtained responses from 91% of the communities. The final comparison sample had 125 cases: 100 cities and 25 counties.

Using descriptive statistics, Button et al. compared communities with gay rights policies to communities without them. Based on the results, the researchers were able to build four models to help explain the adoption of gay rights policies. These models group communities into four clusters: urbanism/social diversity, political opportunity structure, resource mobilization, and communal protest.

The first cluster is the urbanism/social diversity model. According to Button et al., policy innovation usually occurs in large, densely populated communities marked by social and economic diversity.

The second cluster is the political opportunity structure model. It acknowledges the presence of political institutions and actors who are receptive to policy innovation. Button et al. suggest that the minority status of gay men and lesbians requires that they enlist the help of influential allies and media to help promote policy adoption until the political environment becomes conducive to innovation. Haider-Markel and Meier (1996) also found this to be the most successful approach for adoption of gay rights policies, fitting into what they term the interest-group model.

The third model is resource mobilization. It suggests that the internal resources of the group supporting innovation will influence policy adoption. Unlike the political opportunity model, resource mobilization considers factors inside the community seeking innovation. In the case of gay rights policies, this model evaluates the level of organization and skills of gay leaders along with the financial condition of the gay community.

The final model is communal protest. It suggests that innovation will be contingent upon the amount of opposition encountered. The communal protest model acknowledges that organized and well-resourced opposition may deter innovation.

Button et al. used internal determinants to predict whether a community will adopt policies that include sexual orientation. Their four models sketch out internal characteristics to explain policy adoption. Together, the models suggest that large communities with a supportive political environment, a well-resourced gay community, and few objections to the policies under consideration are more likely to adopt gay rights policies.

Diffusion of Innovation: Determinants for Policy Adoption

The innovation literature suggests that the diffusion of public policies can occur spatially and temporally in a systematic pattern (Gray 1973; Walker 1969). According to Walker, policies can “diffuse” geographically from one state to others. This diffusion—or spread—of policy is based on social learning by policymakers. The central idea of social learning is that an individual (or state) learns from another by means of observational modeling (Rogers 1995).

Gray builds on Walker’s work by suggesting that diffusion can occur over time in much the same way as it does spatially. In this scenario, one or two states adopt a policy; other states wait and observe the impact of the policy before acting on the same issues. Adoption by a few innovators is followed by adoption by many followers and tapers off with a few latecomers. The cumulative numbers of adopters follows an S-curve. Furthermore, Gray suggests that some policies, such as civil rights legislation, will never be adopted by certain states.

Walker (1969) and Gray (1973) pioneered spatial and temporal research for policy diffusion of innovation. Their work evaluates how diffusion of innovation occurs, but not why. In more recent literature, the most thoroughly explored dimension of policy variation among states concerns the internal and external determinants or characteristics of innovative units. Internal determinants are those characteristics of a community that can aid or deter innovation. Political, social, and economic factors are usually considered part of the internal determinants (Gray 1994). Mooney and Lee (1995) called these the “usual suspects” that influence policy innovation. These internal determinants include urbanism, population size, education, political ideology, and economic conditions.

Methodology

This research models the seminal work of Button et al. (1997) by comparing innovating communities to a random selection of non-innovating communities and identifying significant variables. As in the work of Button et al., four categories were created here that capture socioeconomic, demographic, financial, and political factors associated with innovation. Each model has been modified to better gather data about transgender-inclusive communities. Table 1 shows each category and the corresponding variables.³ Seventy-four surveys were distributed to public personnel agencies in jurisdictions with employment laws that include public employment protections for transgender people. These 74 surveyed communities represent all known cities with

³ For a fuller explanation of each variable, see the appendix.

transgender-inclusive laws. At the same time, data for 100 non-innovating communities was also collected.⁴ The survey data was collected between June 2005 and September 2005.

Table 1 Categories and factors associated with innovation⁵

<u>Urbanism/Social Diversity</u>
Population
Percent black
Percent Hispanic
Income
Age
Education
Non-family households
<u>Political Opportunity</u>
Federal election 2004
Colleges
College enrollment
<u>Resource Mobilization</u>
Same-sex households
<u>Communal Protest</u>
Church adherents
Conservative adherents

Public personnel administrators were first contacted by telephone to confirm that their jurisdictions had—at a minimum—a transgender-inclusive public employment law, and that they were the people most knowledgeable about the law in their agencies. After confirmation, the appropriate public personnel administrators were mailed a survey packet explaining the project, an instruction sheet, a questionnaire, a consent form, and a self-addressed stamped envelope.

The survey questions were divided into three major categories: background information, implementation questions, and effectiveness questions.

Background

Administrators were asked to explain the process for filing a discrimination claim, and for the number of claims filed to date. Information about the nature of these claims was ascertained, including the area of discrimination (i.e., hiring, firing, promotion, etc.); the outcome of the claims; and the remedies sought by claimants.

⁴ Communities were selected using a computer-generated random numbers chart. Only jurisdictions with more than 2,500 residents were included.

⁵ This highlights the variables for each model. Placement of the variables matches those of Button et al. (1997).

Policy Implementation

Administrators were asked a number of questions related to the implementation of their transgender-inclusive laws. The implementation questions corresponded to the unique organizational changes needed to make the workplace more friendly, including changing the nondiscrimination statement, establishing a contact person for transgender-related issues, training, setting up procedures for changing administrative records, generating policies regarding sex-segregated facilities, and establishing transgender-inclusive sick leave, disability, and medical policies.

Respondents had several options for rating the level of implementation. The categories included the following: No—we have not considered this change; Consider—we have considered, but have no plan to implement the change; Plan—we have a plan to implement this change; Implementing—we are implementing this change; and Yes—this change is fully integrated into our operations.

Respondents could answer “No” or “Consider” when they had not implemented components. They could respond “Plan,” “Implementing,” or “Yes” to indicate that an implementation was occurring. Respondents were also given the opportunity to distinguish between *never* considering the organizational change, *considering* the organizational change, and deciding *not* to make the change. This distinction captured organizations that might implement a change after consideration (perhaps influenced by the survey) and organizations that had already made a decision about the change.

Finally, respondents were given the opportunity to indicate if they had unwritten policies regarding their sex-segregated facilities. It was possible that communities had addressed the most pressing organizational changes first—i.e., restroom, shower, and locker room policies. However, lack of guidance might have led to the creation of an ad hoc or unwritten policy about these issues.

Effectiveness of Laws

The effectiveness of many nondiscrimination laws often hinges on specific confidentiality and anti-retaliation provisions; the existence of these provisions—and their efficacy—can influence a law’s application. Claimants might be less likely to file claims of discrimination if they fear that their confidentiality might be breached or that filing a claim might generate retaliation from other employees.

Additional Information

Archival data was also collected for all transgender-inclusive communities and added to the information gathered via the survey. This included data from the U.S. Census, including population, percentage of African Americans and Hispanics, income, education level, age, non-family households, and same-sex households. Data was also collected on the number of gay-related services, the number of colleges and college students residing in the community, political culture, and church adherence.

Findings

About the Survey and the Respondents

Of the 74 surveys mailed, 45 were returned, resulting in a respond rate of 61%. The respondents were nearly equally divided by type of government: 40% had mayor-

council and 46%, council-manager governments. This suggests that the type of community does not necessarily affect innovation of transgender-inclusive laws. However, the initial results indicate that the type of government may have a direct influence on the level of *implementation* of specific transgender policies.

About the Transgender Laws

The survey also yielded a number of interesting points about transgender laws across the country. For example, protections for transgender people are enumerated in laws in diverse ways. These variations might have an effect on the implementation of policy. The study used four categories to broadly enumerate transgender protections: gender, gender identity, gender identity and expression, and sexual orientation. Of the four categories, gender identity (36%) was the most common response for protections. This was followed by gender identity and expression (20%), sexual orientation (16%), and gender (11%).

Of the responding communities, claims of all types of discrimination were very low. Seventy percent reported no claims of transgender discrimination, while 95% of communities reported five or fewer claims of any type of discrimination.

Sixty-two percent had laws with confidentiality provisions. Of those communities, 38% reported that the confidentiality provision provided “good” or “very good” coverage.

Nine-four percent of the laws had anti-retaliation provisions. Regarding those, 68% of the public managers thought that the anti-retaliation provisions provided “good” or “very good” coverage for employees.

Community Implementation of Transgender Policies

The specific components of the laws that made them transgender inclusive were analyzed, yielding the most interesting results of the analysis. Sixty-four percent of communities changed the wording of their nondiscrimination laws to explicitly prohibit transgender discrimination. All respondents that changed or planned to change their policies accounted for 81.6% of communities. In addition, 42% designated a contact person to answer employees’ transgender-related questions, and 48% stated they would change gender designation in employee records and materials at the employee’s request. In terms of sex-segregated facilities, implementation was less comprehensive: 12% of communities had written policies about restroom and locker room use. Only 7% had written shower policies.

Implementation was more varied when it came to health care. While 32% of communities allowed sick leave benefits to be used for transition-related issues, and 26% allowed disability benefits to be used for transition-related issues, only 8% had health care benefits that covered transition-related medical issues.

Figure 1 combines the data from all of the communities surveyed. It represents the level of complete and partial (considering, planning, and implementing) implementation for each provision needed to create a transgender-inclusive workplace environment.

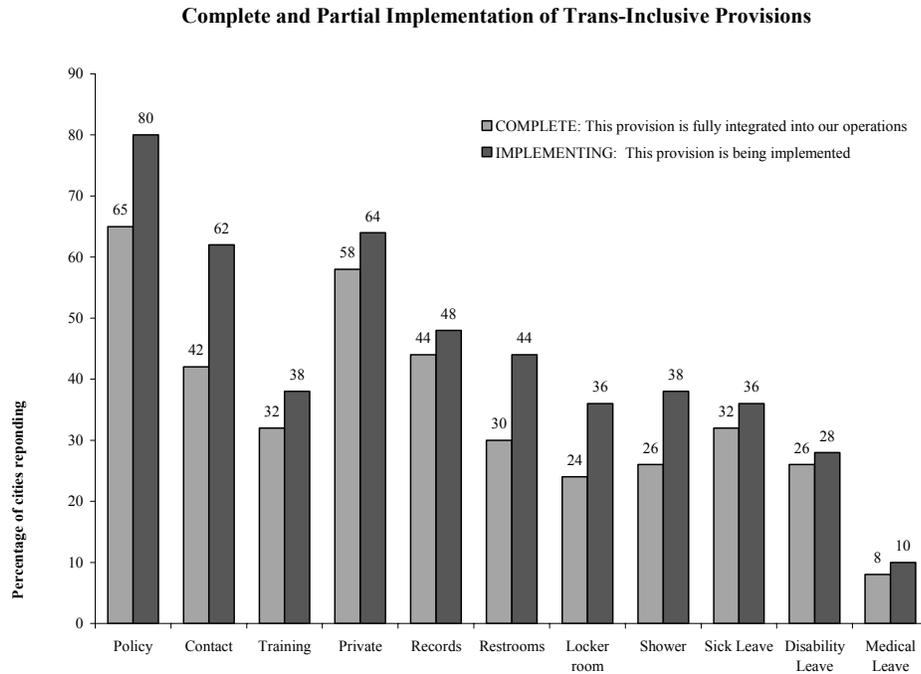


Fig. 1. A graph of complete and partial implementation if trans-inclusive provisions.

The Usual Suspects

These socioeconomic and demographic factors provide insights about the nature of communities adopting trans-inclusive policies and factors that help to explain innovation (see table 2). Comparing the means and conducting confidence interval tests identified a number of significant variables. Communities with transgender-inclusive policies had larger populations, higher percentages of African Americans, higher per capita incomes, more non-family households, lower percentages of voters who voted for George W. Bush in 2004, a higher percentage of college graduates, and, finally, a higher percentage of registered college students at both two- and four-year schools. These results match the research on sexual orientation innovation by Button et al. (1997). The innovation of transgender-inclusive laws appears to match—with the exception of the voting-pattern variable, which was not considered by them—the researchers’ urbanism/social diversity model. The research also matches the results of Haeberle (1996), who found socioeconomic and demographic variables to be significant in sexual orientation nondiscrimination innovation.

Table 2 A comparison of socioeconomic and demographic factors in transgender policy adopting and non-adopting communities

	Sample Communities	Policy Communities
Population (<i>mean</i>)**	45,816	19,911
Black (%'age) *	9.35	17.85
Hispanic (%'age)	6.90	12.00
Income (<i>mean</i>)	\$19,812.09	\$22,473.24
Education (%'age) *	23	36
Age (<i>mean</i>)	35	33
Non-family households (%'age) *	34	46
Same-sex households (%'age) *	.0048	.0067
2-year colleges (<i>mean</i>)*	0.14	2.45
2-year college students (<i>mean</i>)*	785	12,918
4-year colleges (<i>mean</i>)*	839	21,505
Election 2004* (%'age)	54.40	39.60
Church adherents 2000 (%'age)	51.20	47.70
Conservative church adherents 2000 (%'age)	35.60	31.90

*Difference in ANOVA at $p < .01$

**Differences in ANOVA at $p < .001$

Entries are means or percentages, as appropriate. See the appendix for variable definitions and sources.

Diffusion of Innovation

In order to assess innovation, geographic diffusion was also measured. Communities were evaluated in two ways. The number of innovating communities in each region of the country was tallied to determine if any clusters could be identified. Table 3 shows the percentage of communities in each region of the country. Chi-square tests of significance indicated that the differences in the regions were not significant.⁶ This suggests that the spread of innovation is distributed normally across the country and not geographically concentrated in any one part of the country.

⁶ df: 3, chi-square = 3.3
Significance at the .05 level ≥ 7.82 .

Table 3 Regional diffusion of innovating communities

Region	<i>Frequency</i>	Percentage
North Central	19	25.7
Northeast	16	21.6
South	16	21.6
West	23	31.1
	74	100

The three states with the largest number of communities with transgender nondiscrimination laws were then analyzed: California and Pennsylvania both have eight; Illinois, nine. In order to determine whether there is a geographic distribution of policies within each state, the distance between each community was measured. Communities within 20 miles were assumed to influence each other in innovation. For the three states compared, there were no significant innovations among the cities. In California, two communities were within 20 miles of each other; the same was the case in Illinois. In Pennsylvania, no such adjacencies existed. The two innovating communities in both California and Illinois represented 25% and 22% of adoptions, respectively.

At both the national and state level, no geographic diffusion of innovation appears to occur with transgender-inclusive legislation. These results suggest that innovation is internally generated and not a function of external forces, such as neighboring communities or higher levels of government.

Discussion

This research highlights a number of differences and similarities about the innovation of sexual orientation and transgender-based local laws. The four clusters identified by Button et al. (1997) generally apply to transgender nondiscrimination laws as well. The strongest connection exists along the urbanism/social diversity variables. As with sexual orientation, a community's size and diversity increased the likelihood of its adopting such an approach to discrimination. The political and resource mobilization models also echo both policy arenas. In both cases, significant variables were identified as important, including same-sex households, colleges, and the 2004 presidential election.

The community protest variable proved to be more salient for sexual orientation laws than for laws protecting transgender rights, for which church and conservative religious adherence were not statistically significant factors in the diffusion of innovation. Of the four models presented by Button et al. (1997), the urbanism/social model of diversity best explains the process for the adoption of transgender-inclusive policies in cities.

Button et al. (1997) did not attempt to measure geographic innovation, so comparison is not possible. However, the results from this research match the research of Klawitter and Hammer (2000), who were able to show that sexual orientation-related laws did not spread geographically.

While this effort highlights the significant factors associated with the innovation of sexual orientation nondiscrimination policies, it does not fully explain the recent

increase in the adoption of transgender nondiscrimination laws. This might be due to the unique combination of significant factors. While both sexual orientation and transgender inclusive laws have similar significant variables, they do not have identical factors and the level of significance varies.

Another factor might be the strategy of advocates. It is possible that proponents of transgender nondiscrimination law innovation are focusing on communities that have a “proven” track record of adopting similar policies, like sexual orientation. By targeting communities with existing sexual orientation laws, transgender advocates could produce a higher rate of adoption than in previous years.

Conclusion

Using Button et al. (1997) as a general model, transgender policy adoption has, for the most part, followed gay rights policy innovation. Transgender-inclusive laws are mostly adopted in larger, racially diverse communities in which there are students and academic institutions, and a political slant toward the Democratic Party. Unlike sexual orientation, there is less political opposition from conservative religions toward these laws. This might be due to lack of understanding about transgender issues, or to specific religious fervor about homosexuality. Since geographic distribution appears to be illusory, communities hoping to pass such legislation do not necessarily need to worry about surrounding communities or external forces.

Future research might focus on developing a better understanding of the rate of adoption of transgender laws. Moreover, the implementation and effectiveness of these nondiscrimination laws warrants further serious consideration.

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Appendix. Socioeconomic and demographic variable definitions and sources

Variable	Measure	Source	Note
Population	Population in 2000	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Percent black	Blacks as a percent of the population	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Percent Hispanic	Hispanic (non-white/non-black) as a percent of the population	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Income	Per capita income	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Education	Percent of the population with 16 or more years of formal education	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Age	Median age	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Non-family households	Household of unrelated persons as percent of total households	U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)	2000
Same-sex couple households	Number of unmarried partners households as a percent of total population	U.S. Census Bureau, Summary File 1 (SF 1)	2000
College	Number of 2 and 4 year colleges in the jurisdiction	<i>Peterson's Guide to 2 Year Colleges - 40th Edition, 2005</i> and <i>Peterson's Guide to 4 Year Colleges - 40th Edition, 2005.</i>	
College enrollment	Number enrolled in all 2 and 4 year colleges in the jurisdiction	<i>Peterson's Guide to 2 Year Colleges - 40th Edition, 2005</i> and <i>Peterson's Guide to 4 Year Colleges - 40th Edition, 2005.</i>	
Election 2004	Presidential election results 2004, county level	Congressional Quarterly, Voting and Elections Collection	
Church adherents	Church adherents as a percent of the county population in 1990 and 2000	Churches and church membership in the United States in 1990 and 2000	American Religion Data Archive (ARDA)
"Conservative" church adherents	"Conservative" church adherents as a percent of the county population in 1990 and 2000	Churches and church membership in the United States in 1990 and 2000	Conservative adherents are American Baptist, Church of God, Southern Baptist, Assemblies of God, Latter Day Saints, and Presbyterian Church of America

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