



**March 9, 2017**

## **Withdrawal of Title IX Transgender Protections: Despite a Step Backward, Museums Must Still Welcome Everyone in Our Communities**

*On February 22, the Trump administration rescinded guidelines issued under Title IX of the Education Amendments of 1972 by the Obama administration last year that sought to protect transgender students in schools and colleges from discrimination, including allowing them to use bathrooms and facilities corresponding with their gender identity. Members of the [LGBTQ Alliance](#) speak out against this decision.*

Discrimination in any form has no place in our nation's learning institutions. Museums and cultural institutions strive to provide places where people of every background can safely come together to learn and share from each other's common yet diverse cultural, natural, and social experiences. We find it difficult to imagine how educational institutions could aspire to anything less.

### **What It Means**

According to the US Department of Education website, Title IX applies to institutions that receive federal financial assistance from the US Department of Education, including state and local educational agencies. These agencies include approximately 16,500 local school districts, 7,000 postsecondary institutions, as well as charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

The February 22 withdrawal of legal protection means that institutions under Title IX are no longer *required* to allow students access to the bathrooms and other facilities that match their gender identities. However, it also *does not prevent* any individual states, communities or institutions from continuing to operate in a way that protects transgender learners from discrimination on these grounds. That is to say, those who have been inclusive, in nearly all cases, can and should continue to be inclusive.



## Why It Matters

As noted by AAM in its [new issue brief](#), “Museums embrace diversity and strive to make their programs and collections accessible to all audiences. They value federal, state, and local policies that recognize, maintain, and support diversity in all forms.” Likewise, the LGBTQ Alliance, with our [May 2016 Welcoming Guidelines](#), offers concrete tools to help museums incorporate LGBTQ diversity and inclusion into their understanding and pursuit of excellence.

Museums have the power to lead by example in our communities. As we confront the withdrawal of legal protection, and growing hostility to members of the LGBTQ community, members of the LGBTQ Alliance encourage our museums to actively promote diversity and inclusion in their institutions and communities. The spirit of Title IX remains powerful, and we urge thoughtful leaders everywhere to continue to adhere to its lofty goals.

## What Museums Can Do

The LGBTQ Alliance will continue to offer guidance on how best to make museum programs and collections accessible to all audiences. Our Welcoming Guidelines align best practices specific to the LGBTQ community with AAM’s Standards of Excellence. We believe it is helpful to highlight Section A of the Guidelines, which addresses Public Trust and Accountability. Specifically, Section A.8 states:

“The museum complies with local, state, and federal laws, codes, and regulations applicable to its facilities, operations, and administration.”

A.8.a. Especially in an era of shifting legal structures, definitions and interpretations of civil rights and liberties, the museum must be aware of its obligations in re: provision of services to the LGBTQ community. Interpretations of these obligations may vary at the federal, state, and local level. *The museum is encouraged to adopt the most inclusive and welcoming stance appropriate to its mission and audiences.*

A.8.b. The museum has written, approved and published a policy of non-discrimination. *Better yet, the museum will write, approve and publish a policy of active inclusion of minority individuals and populations including*



*LGBTQ persons, sexual orientation and gender identity. The policy should address governance, employment and equal access to goods, services and facilities. One or more staff members are accountable for the Museum’s adherence to non-discrimination policies.*

The full set of LGBTQ Welcoming Guidelines is available [here](#). We encourage our colleagues in the museum field to lead by example in being inclusive and welcoming to all people, and encourage you to share your examples and stories about what you’re doing to make this happen at your museum. Feel free to contact the undersigned—we are each representing ourselves and not our institutions—to share your experiences or ask for more guidance on how you can help your institution remain welcoming to all.

Michael Lesperance, Chair  
Barbara Cohen-Stratynner  
Justin Estoque  
Annette Gavigan  
Jaden Hansen  
Tim Hecox, Co-Chair, DIVCOM  
Joe Heimlich  
Joel Hoffman  
Margaret Middleton  
Matthew Northey  
Randy Roberts

Members of the Steering Committee of the LGBTQ Alliance