
Shelter Advocacy Challenges: Federal Requirements on Antidiscrimination

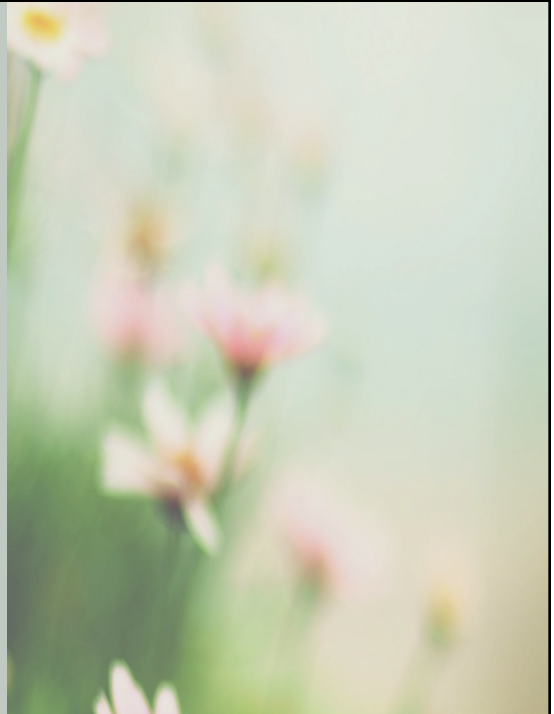
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Indigi-Ripple Connect, LLC



1

Introduction to Antidiscrimination Requirements

Family Violence Prevention and Services Act
(FVPSA) Regulations



2

Legal Baselines

Survivors cannot be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part through FVPSA.

Programs must:

- Take into account survivors' needs
- Be inclusive
- Not stigmatize

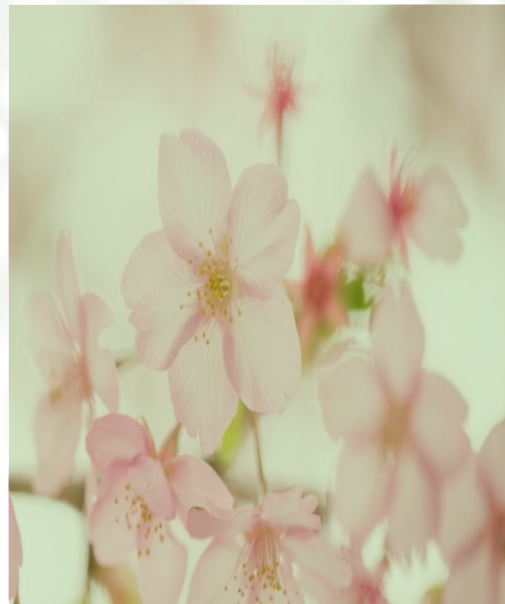
- FVPSA, and other federal laws, are *baseline requirements*.
- Regardless of personal, state, organizational biases or discomfort.
- You are strongly encouraged to go beyond the basics.

3

3

What are the Basics?

Shelter = temporary refuge
in conjunction with
supportive services



4

4

Defining the Basics

Shelter Includes:

- Emergency shelter
- Housing provision, rental subsidies, temporary refuge (hotel/motel), or lodging in properties that could be individual units for families and individuals (such as apartments)

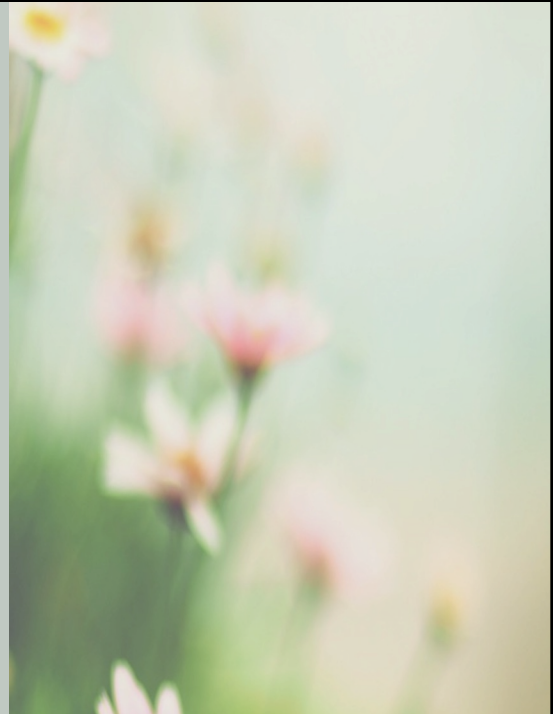
Supportive Services Include:

- Services for survivors designed to meet the needs for safety and recovery
- Examples:
 - Referrals
 - Counseling
 - Education and employment services
 - Transportation
 - Childcare assistance
 - Culturally specific services

5

Introduction to Antidiscrimination Requirements

Overview of protected classes



6

Prohibitions Against Discrimination

Government-wide
and HHS-wide
(Health and Human
Services) regulations
apply to all FVPSA
programs

Examples include
prohibitions against
discrimination based on
actual or perceived:

- Race
- Color
- Religion
- National origin
- Sex
- Gender identity
- Sexual orientation
- Age
- Disability

7

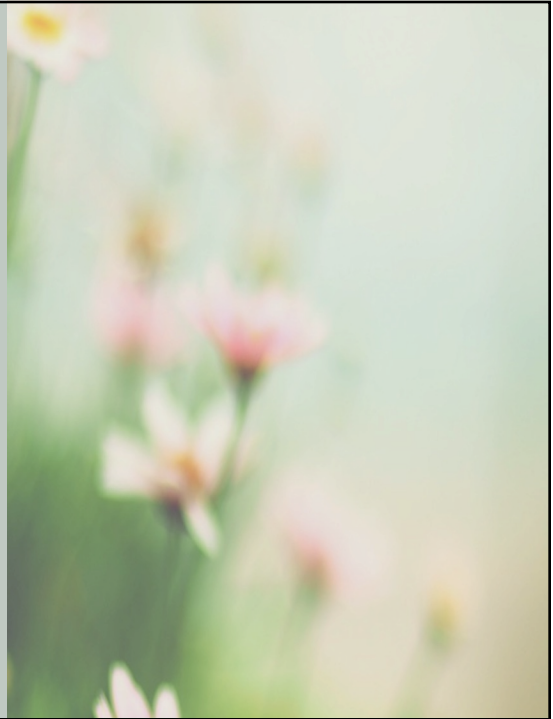
Examples of Violations

Eligibility criteria that screen out transgender survivors	Requiring survivors to attend church in order to stay at the shelter
Not allowing men to participate in "mock interviews" because other survivors will be uncomfortable	Referring survivors with disabilities to other shelters rather than exploring accommodations
Not allowing a 16-year-old boy to stay with his non-offending caregiver in the shelter	Limiting outreach activities to only certain "desired" groups

8

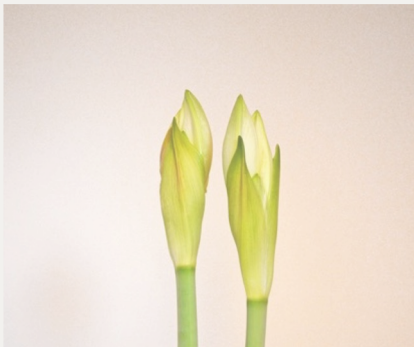
Access and Inclusion

Race, color, national origin...
and tribal sovereignty



9

Tribal Sovereignty & Eligibility Criteria



Tribal Sovereignty

- Federally recognized Tribes have a government-to-government relationship with the United States
- Inherent right to sovereignty (not granted)
- Self-governing
- Self-determination

Tribal Members

- Unique status as citizens of a sovereign nation

10

10

Therefore, your shelter is allowed to serve only your Tribe's members as citizens of that sovereign nation.

However, if your shelter serves ONE non-member, then your shelter must follow the anti-discrimination laws regarding race, color, and nation of origin. For example, Tribal descendants who do not meet the enrollment requirements, Tribal spouses, and members of other Tribes.

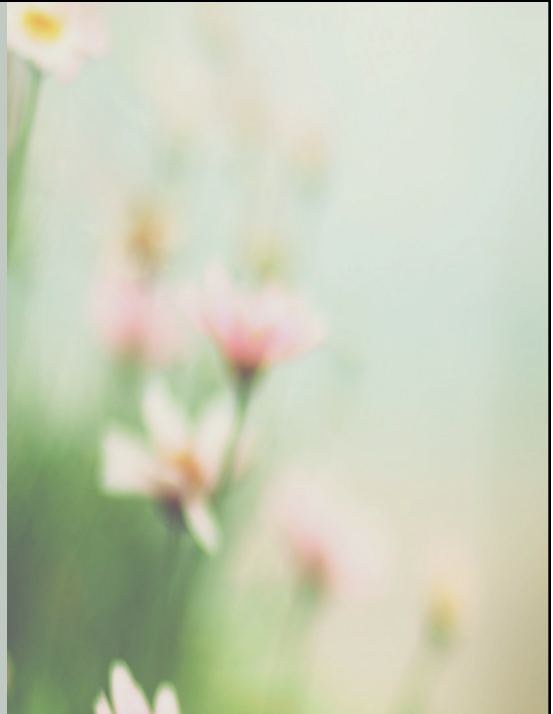


11

11

Access and Inclusion

Religion, beliefs, and faith



12

Religious Protections Include:



- Religion
- A religious belief
- A refusal to hold a religious belief
- A refusal to attend or participate in a religious practice

13

13

Religious Accommodation Examples

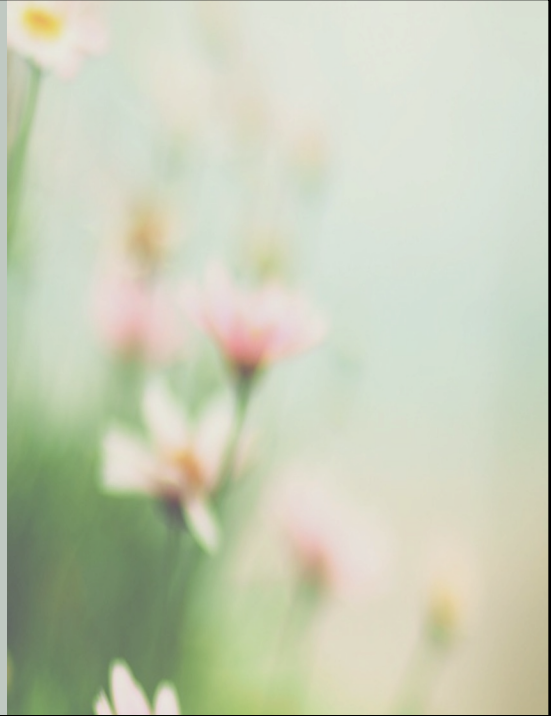
- Dietary practices (meal and drink options)
- Cleaning schedule adjustments for religious holidays
- Transportation to religious activities
- Providing time and space to pray
- Extended leave for holidays and bereavement
- Flexibility – have a conversation about what they need

14

14

Access and Inclusion

Survivors with disabilities



15

Defining Disabilities

The ADA (Americans with Disabilities Act) defines “disability” as a recorded physical or mental impairment that substantially limits major life activities by an individual regarded as having that impairment

There are different types of disabilities, including:

- Visible / invisible
- Blind / vision impaired
- Physical
- Deaf / Hard of Hearing (HOH)
- Cognitive / intellectual
- Mental health

Related FVPSA rule: take steps to ensure effective communication

Includes:

- Oral
- Written
- Audible
- Visual
- Electronic

16

Reasonable Accommodations for Disabilities

Reasonable accommodations or modifications = making alterations that allow you to provide the same services to survivors with disabilities as you do to survivors without disabilities.

- Each survivor is different and will need different accommodations
- Ask what survivors need
- Don't make assumptions
- Engage in conversations

17

17

Accommodation Examples

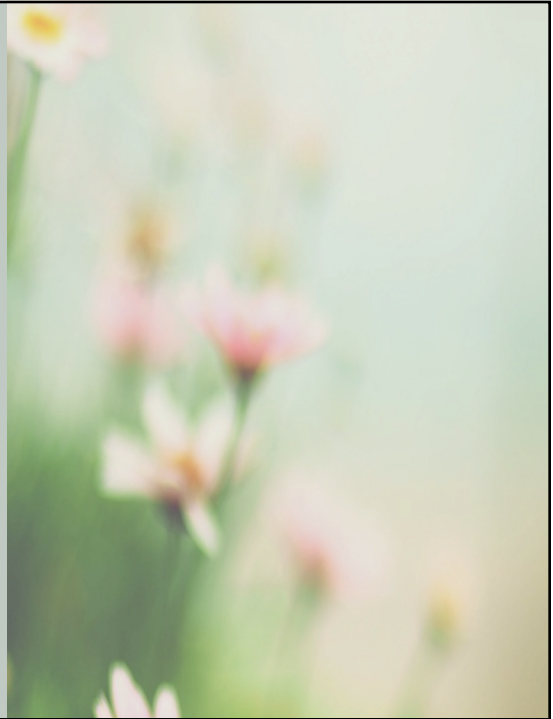
- Shelters with "no pet" policies will need to be altered to admit service animals
- Contracting with unbiased interpreters, who preferably know about domestic and sexual violence (do not use caregivers)
- Large print, easy to read materials
- Reading policies aloud
- Providing dictation to fill out paperwork
- Moving furniture for easier wheelchair maneuverability

18

18

Access and Inclusion

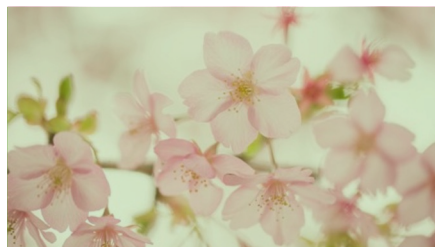
Serving our LGBTQ+2S relatives



19

"Most of us understand what it feels like to be welcomed. It's the feeling that comes when we have a sense that people want to have us around and that the environment is set up in a way that is comfortable for us."

-National Center on Domestic Violence, Trauma and Mental Health



20

20

Pause and Consider:

How are you making sure that LGBTQ+2S survivors know that your shelter is welcoming, accessible, safe, and inclusive?



21

21

Policies for Equitable Access & Inclusion

- Provide opportunities for regular staff training, and identifying and addressing biases
- Review and revise current policies, practices, procedures, and paperwork
- Hire LGBTQ+2S staff
- Create policies to address homophobia, transphobia
- Educate staff and survivors about traditional core values
- Ask for feedback from LGBTQ+2S survivors
- Believe survivors*

22

22

Procedure Tips



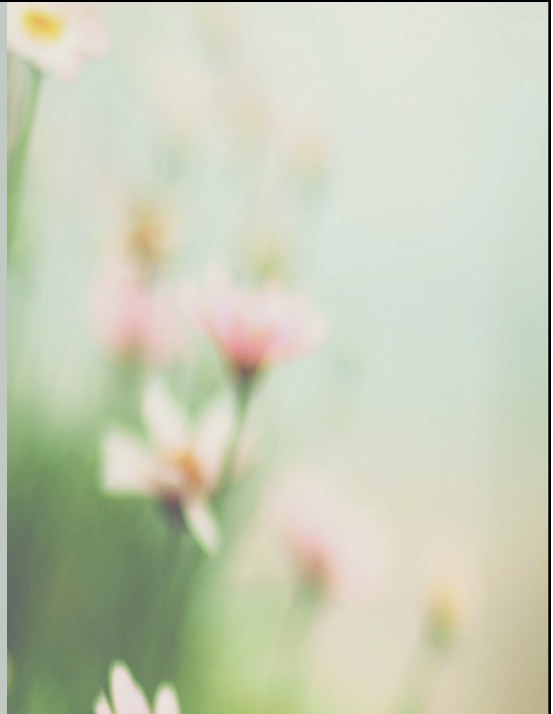
- Introduce yourself using your pronouns
- Provide gender neutral bathrooms
- Protect confidentiality (do not “out” survivors)
- Call survivors what they want to be called
- Release expectations of what survivors “should” look like
- Integrate LGBTQ+2S examples in Talking Circle curriculums

23

23

Access and Inclusion

Gender expression and identity



24

Equitable Access

Transgender and gender nonconforming survivors must be offered services and supports that meet the needs that are consistent with their gender identity

- Ask which group the survivor wants to join (in gendered situations) and do not ask questions about anatomy or medical history
- Do not re-assign to a different group based on complaints of other survivors
- Remember voluntary services: survivors can opt out of participating in groups to avoid homophobia or transphobia

25

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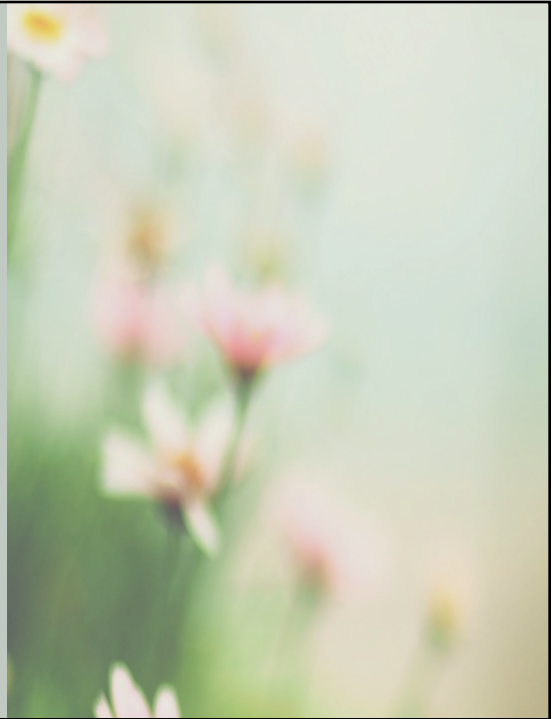
Examples of Illegal Discrimination

- Refusing to admit Transgender survivors into the shelter
- Telling survivors that the shelter is full when it is not
- Setting different rules for Transgender and gender non-conforming survivors
- Not allowing Transgender women to participate in "Women's Talking Circles"
- Requiring gender non-conforming survivors to use the bathroom that makes you comfortable
- Isolating Transgender survivors for "the protection" of other survivors

26

Access and Inclusion

The intersection of sex discrimination, men, and boys



27

“Not all shelters accept male teenagers. While the Family Violence Prevention Services Act requires any program receiving its funding to accept all genders and ages, “Depending on how they’re staffed, some shelters may only take male children under a certain age—usually the limit is somewhere between 12 and 18,” says Anita Martin, MSSW, former domestic violence advocate and creator of *Love* magazine. “It really depends on the size and staff resources of the shelter.” Age limits on males aren’t meant to be a barrier to leaving, though it can make escaping more difficult.”

-DomesticShelters.org



28

28

FVPSA Regulations: Children in Shelters

- Survivors and their minor children must be sheltered together, regardless of actual or perceived sex, including gender identity
- Any exceptions require valid justifications and comparable services



29

29

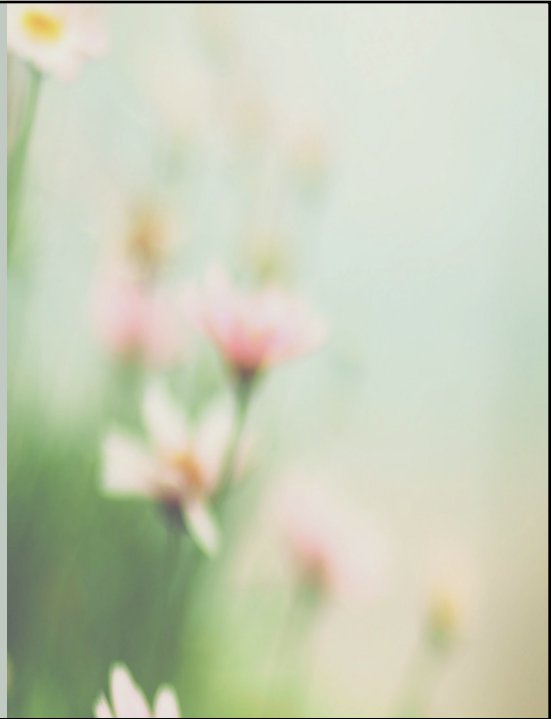
The Impact to Families

- Teen boys forced to stay at the adult emergency male shelter alone and unprotected
 - Access to less supportive services, especially individualized
 - Lack of safety planning knowledge in non-DV/SA (Domestic Violence/Sexual Assault) shelters
 - Typically, not sleeping well in a large, open room with many other people
 - Forced adherence to leave and return at a certain time
 - Risk of being exited from the shelter for cleaning rules and curfew violations
- Non-offending caregiver returns to abuser to prevent being separated from child

30

Access and Inclusion

Age: serving our elders



31

Examples of Age Discrimination

- Exclusionary outreach materials that show preference for younger survivors
- Referring Elders away to Adult Protective Services (APS) rather than providing services
- Expecting Elders to take responsibility for shelter cleanliness
- Shortening the length-of-stay
- Limiting access to healing options that include physical activities

32

32

Programming Examples

Exceptions

(Not Discrimination)

- Teen Dating Violence Talking Circle
- Youth-specific shelter (per funding source)
- Healthy relationships / sexual education for youth

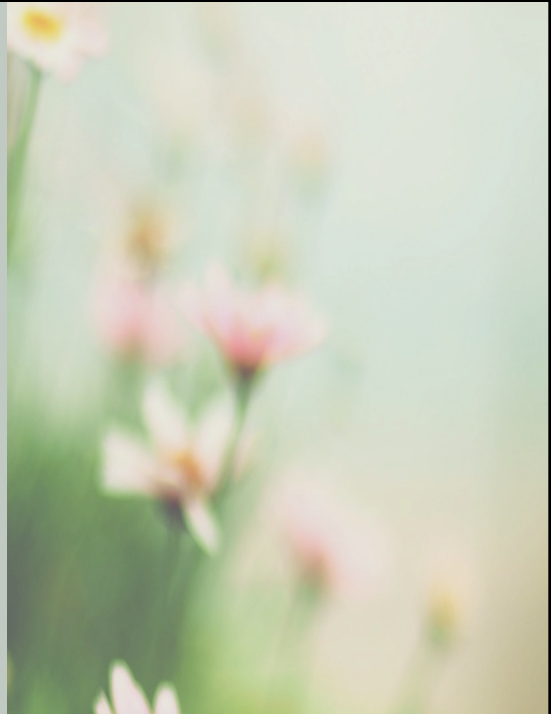
Inclusive Ideas

- Elders can voluntarily get involved in co-facilitating groups for youth
- Some shelters have implemented mentoring programs (pairing youth with an Elder mentor)

33

Access and Inclusion

Effective communication



34

FVPSA Communication Requirements

Meaningful access to services and supports requires reasonable steps for effective communication

Shelters should create a plan to ensure communication access that includes:

- How to identify and communicate with survivors who have a Limited English Proficiency (LEP)
- How to take appropriate steps to ensure effective communication with survivors who have disabilities
- How to furnish appropriate auxiliary aids (includes qualified interpreters and large print materials) for survivors to participate and benefit from programming

35

35

- Do not shout; speak with your typical tone and volume
- Talk directly to the survivor (not the interpreter)
- Sit or stand at eye-level
- Be specific and avoid jargon
- Minimize background noise and distractions
- Ask survivors for feedback to improve access
- Repeat information in different ways
- Treat adults like adults

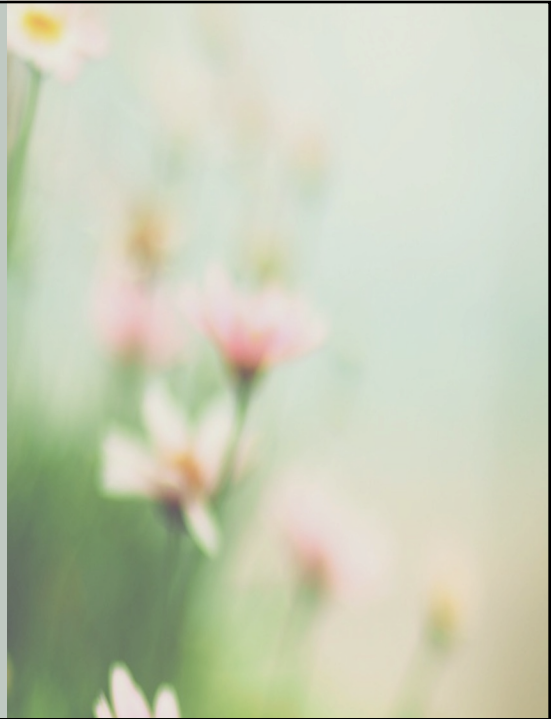
Tips for Communicating Effectively with Survivors who have Disabilities



36

Implementation

Comparable services



37

Certain supportive services can be separated by specific populations, in certain situations, but it needs to be justified and comparable services must be offered

Consider:

Is the "segregation" necessary to the essential operation of the program?

Alternatively, is the "segregation" based on convenience or discomfort?

38

38

Transgender Survivors' Access

- "Transgender women should have access to services which are sex segregated for women
- When programs have sex segregated services, they should ask individuals which group or services they wish to join, based on their gender identity
- Programs may not ask trans people to "prove" their sex/gender identity by prying into their medical history or demanding ID documents consistent with gender identity
- Programs should not reassign or exit trans or gender nonconforming people based on other participant complaints regarding that person's gender presentation"

39

39

Shelter-Specific Comparable Services

Example 1: If a Domestic Violence survivor who identifies as male cannot stay at your shelter, he must be provided with a motel/hotel stay of a similar length, transportation to participate in shelter activities, and supportive services that are offered to other survivors.

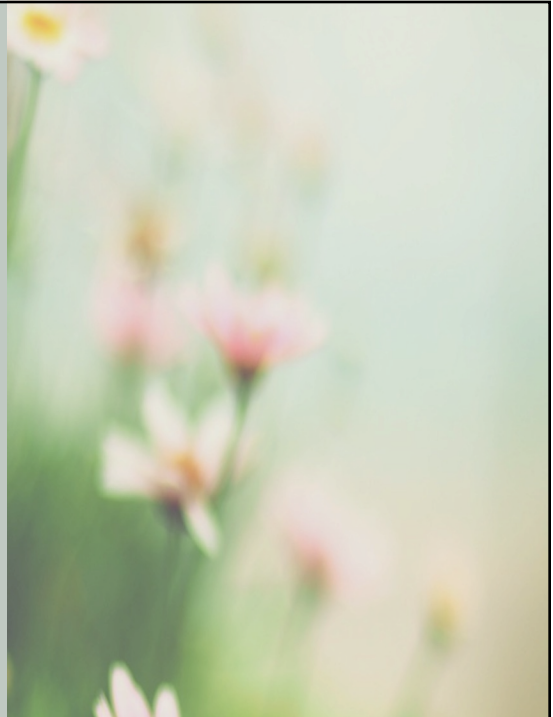
Example 2: If that same DV survivor is excluded from a support group, individual therapy is not a comparable service. If your program does not have enough male survivors to provide a male support group, you will need to partner with other organizations (who do provide male support groups) to fill the gap.

40

40

Implementation

Screening in



41

Screenings, Intakes, Assessments

When first meeting a survivor, avoid any invasive questions, especially those that would screen (or seem to screen) survivors out of the shelter.



42

42

Examples of "Screening Out"

- Background checks
- Drug tests and required sobriety
- Mental health questions
- Immigration and citizenship questions
- Not allowing service animals accompanying survivors with disabilities
- Requiring Transgender survivors to only use the name on their identification card
- Asking for "sex assigned at birth"
- Asking LGBTQ+2S survivors to "prove" they are victims and not perpetrators

43

43

Pause and Consider:

When was the last time that you reviewed your paperwork for exclusionary questions and language?

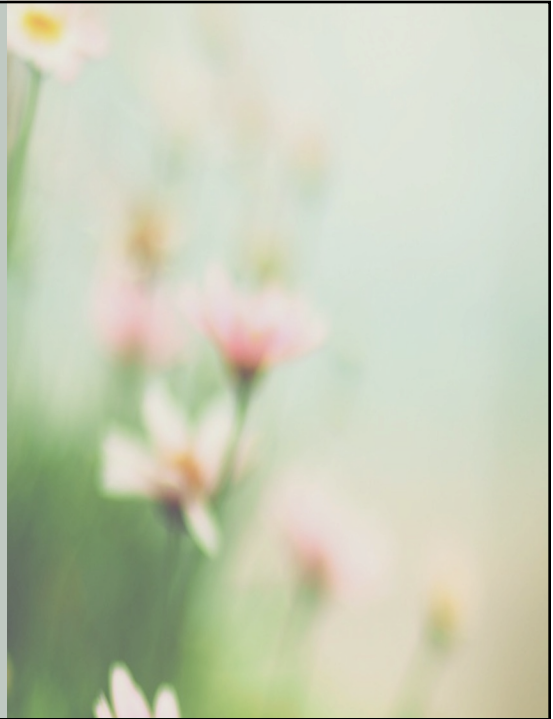


44

44

Implementation

Reconnecting with traditional teachings



45

Honoring our Ancestors

Culturally specific healing includes learning Indigenous:

- Core Values
- Beliefs
- Traditional Stories
- Customs
- Interconnectedness
- Sacredness



46

"Before European contact, sexual and gender diversity was an everyday aspect of life among indigenous peoples and Two Spirit people were honored and respected members of the community. Since European colonization, the Two-Spirit community has often been denied and alienated from their Native identity. As a result, Two-Spirit individuals are sometimes looked down upon and shamed for their identity."

- *Walking in Two Worlds: Supporting the Two Spirit and Native LGBTQ Community*

"Since gender and sexual variance was the norm for many Indigenous communities prior to contact, the act of expressing Indigenous gender variance and sexuality is an act of decolonization. It is a recognition of Indigenous lifeways and roles that were taken away during colonization, and a choice to re-Indigenize personal expression and community participation."

- NĀTIFS

47

47

Indigenous Approaches to Healing

- We are interconnected; we heal and grieve together
- Healing is facilitated through ceremonies, traditional medicines, teachings, and songs
- Healing is restoring balance
- Healing is recognizing that our people are sacred and deserve equity, inclusion, and respect



48

—— Thank you!

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