

LESBIAN, GAY, BISEXUAL AND TRANSGENDER RIGHTS

Overview

Despite advances made in recent years, lesbian, gay, bisexual and transgender (LGBT) people continue to face discrimination in all areas of life. So far, the United States Supreme Court has not granted heightened protection as a class to LGBT persons. No federal laws specifically prevent a person from being fired from a job based on sexual orientation. LGBT people often face discrimination in domestic court disputes, including divorce, adoption and child custody battles.

Adoption and Parenting Rights

Since the U.S. Supreme Court recognized that marriage between two people of the same sex is a fundamental right in *Obergefell v. Hodges*, married same-sex partners should be universally allowed to adopt a partner's biological child ("a second-parent adoption") in the same manner as opposite-sex couples. Same-sex couples pursuing parenthood through adoption or *in vitro* fertilization or surrogacy should likewise be treated the same as opposite-sex couples. In Tennessee, no law currently prohibits an LGBT person from serving as a foster or adoptive parent. Visitation rules and restraints apply to all persons regardless of sexual orientation or the gender of their spouse or partner.

Sexual Harassment

In 1996, the Supreme Court in *Romer v. Evans*, invalidated a Colorado constitutional amendment, passed by a state public referendum, that prohibited the state and its municipalities from enacting gay rights laws. And, in 1998, the Supreme Court held that a sexual harassment case could not be dismissed simply because the victim and his alleged harassers were both men. The Court struck down an earlier decision that sexual harassment can only occur where the victim and harasser are the opposite sex. This case opens the door to greater protections from harassment based on sexual orientation in the workplace.

In Tennessee, "sexual orientation does not prevent a plaintiff from asserting an otherwise-valid sex discrimination claim where the harasser happens to be of the same sex" (*Ellsworth v. Pot Luck Enterprises*). Thus, federal courts in Tennessee will likely recognize sexual harassment claims even if the victim and harasser are of the same sex, provided the claim is otherwise valid under

federal sexual harassment laws such as the Civil Rights Act.

Employment and Housing

Currently, sexual orientation remains, in most cases, a valid basis for discrimination in the workplace.

Tennessee law and federal law do not specifically prohibit acts of discrimination on the basis of sexual orientation by employers, nor do they protect tenants from discriminatory treatment by landlords solely because of sexual orientation.

In some cases, transgender individuals may be protected under federal law to the extent that the discriminatory acts were premised on an employee's gender expression that does not conform to gender stereotypes. Similarly, the Equal Employment Opportunity Commission has released an opinion that discrimination against a person based on their sexual orientation may, in certain circumstances, constitute discrimination on the basis of sex.

For the time being, the Equal Protection clause of the U.S. Constitution offers some protection against any state action that attempts to regulate on the basis of sexual orientation alone.

Gender and Birth Certificates

Tennessee remains one of only a few states that will not amend a person's gender marker on a birth certificate, even after sex-reassignment surgery.

Marriage

The Supreme Court decision in *Tanco v. Haslam*, the Tennessee case that was part of the consolidated lawsuit *Obergefell v. Hodges*, invalidated Tennessee's statute and constitutional amendment which limited marriage to being between one man and one woman. Marriage certificates should be issued to all applicants without regard to gender or sexual orientation. For more information, visit <http://www.aclu-tn.org/marriageTN.html>.



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This information provided is for educational purposes only. It is not intended to be legal advice.

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RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

National Organizations

- **ACLU LGBT Project**

125 Broad Street, 18th Floor
New York, NY 10004

Website: <https://www.aclu.org/issues/lgbt-rights?redirect=lgbt-rights>

Phone: 212-549-2500

The ACLU works to ensure that lesbian, gay, bisexual, and transgender people can live openly without discrimination and enjoy equal rights, personal autonomy, and freedom of expression and association.

- **Gay and Lesbian Alliance Against Defamation (GLAAD)**

Website: <http://www.glaad.org/>

GLAAD tackles tough issues to shape the narrative and provoke dialogue that leads to cultural change.

- **Gay Straight Alliance (GSA) Network**

1611 Telegraph Ave., Suite 1002
Oakland, CA 94112

Website: <https://gsanetwork.org>

Phone: 415-552-4229

Fax: 415-552-4729

E-mail: info@gsanetwork.org

GSA Network is a next-generation LGBTQ racial and gender justice organization that empowers and trains queer, trans, and allied youth leaders to advocate, organize, and mobilize an intersectional movement for safer schools and healthier communities.

- **Gender Spectrum**

1611 Telegraph Ave., Suite 1002
Oakland, CA 94112

Website: <https://gsanetwork.org>

Phone: 510-788-4412

E-mail: info@genderspectrum.org

Gender Spectrum provides consultation, training and events designed to help families, educators,

professionals, and organizations understand and address the concepts of gender identity and expression.

- **GLBT National Help Center**

National Hotline: 1-888-THE-GLNH (1-888-843-4564)

National Youth Talkline: 1-800-246-PRIDE (7743)

Website: <http://www.glbthotline.org/>

The Gay, Lesbian, Bisexual and Transgender (GLBT) National Help Center is a non-profit organization that provides peer support, community connections and resource information to people with questions regarding sexual orientation and/or gender identity.

- **Gay, Lesbian & Straight Education Network (GLSEN)**

GLSEN works to ensure LGBT students are able to learn and grow in school environments free from bullying by conducting extensive and original research, authoring developmentally appropriate resources, partnering with national education organizations and empowering students to affect change.

National Headquarters

110 William Street, 30th Floor
New York, NY 10038

Website: <http://www.glsen.org/>

Phone: 212-727-0135

E-mail: info@glsen.org

GLSEN East Tennessee

2833 Louisville Road
Louisville, TN 37777

Website: <http://www.glsen.org/chapters/easttn/ourchapter>

Phone: 423-377-3226

E-mail: EastTN@chapters.glsen.org

GLSEN Middle Tennessee

102 B Public Square
Gallatin, TN 37066

Website: <http://www.glsen.org/chapters/middletn>

Phone: 931-704-8814

E-mail: middletn@chapters.glsen.org



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▪ **Human Rights Campaign (HRC)**

1640 Rhode Island Ave. N.W.
Washington, DC 20036-3278

Website: <http://www.glbthotline.org/>

Phone: 202-628-4160

Toll-Free: (800) 777-4723

TTY: 202-216-1572

Fax: 202-347-5323

HRC is the largest national lesbian, gay, bisexual and transgender civil rights organization with a mission to ensure LGBT people are ensured basic equal rights.

▪ **Immigration Equality**

Website: <http://www.immigrationequality.org/>

Phone: 212-714-2904

Immigration Equality provides free legal services for LGBT and HIV-positive immigrants.

▪ **It Gets Better Project**

110 S. Fairfax Avenue, Suite A11-71
Los Angeles, CA 90036

Website: <http://www.itgetsbetter.org/>

The It Gets Better Project's mission is to communicate to lesbian, gay, bisexual and transgender youth around the world that it gets better, and to create and inspire the changes needed to make it better for them.

▪ **Lambda Legal**

120 Wall Street, 19th Floor
New York, NY 10005-3919

Website: <http://www.lambdalegal.org/>

Phone: 212-809-8585

Fax: 212-809-0055

Southern Regional Office

730 Peachtree Street, NE, Suite 1070
Atlanta, GA 30308-1210

Phone: 404-897-1880

Fax: 404-897-1884

Lambda Legal is a national nonprofit legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

▪ **National Center for Lesbian Rights**

870 Market Street, Suite 370
San Francisco, CA 94102

Website: <http://www.nclrights.org/>

Phone: 415-392-6257

Fax: 415-392-8442

E-mail: Info@NCLRights.org

The National Center for Lesbian Rights (NCLR) is a non-profit, public interest law firm that litigates precedent-setting cases at the trial and appellate court levels; advocates for equitable public policies affecting the LGBT community; provides free legal assistance to LGBT people and their legal advocates; and conducts community education on LGBT issues.

▪ **National LGBTQ Task Force**

1325 Massachusetts Ave. NW, Suite 600
Washington, DC 20005

Website: <http://www.thetaskforce.org/>

Phone: 202-393-5177

Fax: 202-393-2241

The National LGBTQ Task Force advances full freedom, justice and equality for LGBTQ people.

▪ **PFLAG**

PFLAG is committed to advancing equality and full societal affirmation of LGBTQ people through its threefold mission of support, education and advocacy.

Website: <http://www.pflag.org/>

PFLAG Chattanooga

P.O. Box 17252

Chattanooga, TN 37415-8252

Website: <http://community.pflag.org/chattown>

Phone: 423-802-0449

E-mail: cooperpeople@comcast.net

PFLAG Cookeville

502 Gould Drive

Cookeville, TN 38506

Phone: 931-954-2873

E-mail: pflagcookeville@gmail.com



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PFLAG Crossville/Cumberland County

P.O. Box 272
Pleasant Hill, TN 38578-0272
Phone: 931-277-5853
E-mail: tedmck@frontiernet.net

PFLAG Franklin

P.O. Box 832
Franklin, TN 37065
Website: <http://community.pflag.org/PFLAG-Franklin>
Phone: 615-591-5324
E-mail: pflagfranklin@gmail.com

PFLAG Johnson City/Tri-Cities

P.O. Box 1782
Johnson City, TN 37605
Website: <http://www.pflagtricity.org/>
Phone: 423-390-8585
E-mail: information@pflagtricity.org

PFLAG Knoxville

8516 Cambridge Woods Lane
Knoxville, TN 37923-6737
Phone: 865-667-6093
E-mail: pflagknox@gmail.com

PFLAG Maryville

322 Abrams Street
Rockford, TN 37853
Phone: 865-310-9385
E-mail: gwenschablik@pflagmaryville.org

PFLAG Memphis

6465 Massey Lane
Memphis, TN 38120
Phone: 870-514-0185
E-mail: pflagmemphis@gmail.com

PFLAG Nashville

P.O. Box 2105
Antioch, TN 37011-2105
Website: <http://pflagnashville.org/>
Phone: 615-208-4528
E-mail: info@pflagnashville.org

PFLAG Oak Ridge

130 Windham Road
Oak Ridge, TN 37830
Phone: 865-556-3099
E-mail: backusanne@comcast.net

▪ **Project 10**

115 West California, #116
Pasadena, CA 91105
Website: <http://friendsofproject10.org/>
Phone: 626-577-4553
E-mail: project10@hotmail.com

Project 10 works to assure that public schools are in compliance with state and federal laws regarding sexual orientation and gender identity, and that academic achievement should not be limited by being part of a marginalized social group.

▪ **OutServe-SLDN**

PO Box 65301
Washington, DC 20035-5301
Website: <http://www.sldn.org/>
Phone: 800-538-7418
E-mail: admin@outserve-sldn.org

OutServe-Servicemembers Legal Defense Network (SLDN) is a non-profit, legal services and policy organization that provides free and direct legal assistance to service members and veterans affected by the repealed “Don’t Ask, Don’t Tell” law.

▪ **Trans Youth Family Allies (TYFA)**

P.O. Box 1471
Holland, MI 49422-1471
Website: <http://www.imatyfa.org>
Phone: 888-462-8932
E-mail: info@imatyfa.org

TYFA empowers young people and their families through support, education, and outreach about gender identity and expression.

▪ **The Trevor Project**

P.O. Box 69232
West Hollywood, CA 90069
Website: <http://www.thetrevorproject.org/>
Phone: 310-271-8845
E-mail: info@thetrevorproject.org

The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender and questioning (LGBTQ) young people ages 13-24.



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State Organizations

▪ Memphis Area Gay Youth

1000 South Cooper Street
Memphis, TN 38104
Phone: 901-335-MAGY (6249)

Facebook: <https://www.facebook.com/MemphisAreaGayYouth>

Memphis Area Gay Youth (MAGY) is a GLBTQ youth group for ages 13-20 who meet every Friday evening from 7 p.m. – 10 p.m.

▪ Memphis Gay and Lesbian Community Center

892 South Cooper Street
Memphis, TN 38104
Website: <http://mgfcc.org/home>
Phone: 901-278-6422
E-mail: info@mgfcc.org

The Memphis Gay and Lesbian Community Center (MGLCC) empowers, connects, educates and advocates for the LGBT community of the Mid-South.

▪ Nashville LGBT Chamber of Commerce

P.O. Box 330971
Nashville, TN 37203
Website: <http://www.nashvillelgbtchamber.org/>
Phone: 615-507-5185
E-mail: lisa@nashvillelgbtchamber.org

The LGBT Chamber empowers the LGBT community and its allies by contributing to the economic growth of Nashville. The LGBT Chamber is dedicated to professional and economic development for the LGBT and ally community in the Nashville area.

▪ Nashville PRIDE

Website: <http://www.nashvillepride.org/>
Phone: 615-844-4159
E-mail: Info@Nashvillepride.org

The purpose of Nashville PRIDE is to maintain a sense of community and awareness of, about, and for gay, lesbian, bisexual and transgender people and culture throughout Middle Tennessee.

▪ Oasis Center

1704 Charlotte Avenue, Suite 200
Nashville, TN 37203
Website: www.oasiscenter.org
Phone: 615-327-4455
Fax: 615-329-1444
Crisis Hotline: 1-866-975-FREE (or 1-866-975-3733)

The Oasis Center provides at risk youth a connection to a caring adult, a safe and secure environment, and empowerment to make better choices.

▪ OutCentral

1709 Church Street
P.O. Box 331935
Nashville, TN 37203
Phone: 615-864-8182
Website: <http://www.outcentral.org/>

OutCentral's mission is to connect, educate, empower, and build a positive, energy-filled space for greater Nashville's diverse lesbian, gay, bisexual and transgender community.

▪ Spectrum

615 McCallie Avenue
Chattanooga, Tennessee 37403
Facebook: <https://www.facebook.com/UTCSpectrum/>

Spectrum is the University of Tennessee Chattanooga's LGBTQQIA organization, or gay-straight alliance, and is both an activist and social group.

▪ Tennessee Equality Project

P.O. Box 330895
Nashville, TN 37203
Website: <http://tnequalityproject.org/>
Phone: 615-390-5252
E-mail: chris@tnequalityproject.com

The Tennessee Equality Project is a statewide organization dedicated to promote and sustain the equality of gay, lesbian, bisexual, and transgender persons in Tennessee through the establishment of fair and equitable laws protecting these rights and the elimination of laws that would seek to counter this effort.



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▪ **Tennessee Transgender Political Coalition**

P.O. Box 92335
Nashville, TN 37209
Phone: 615-293-6199
Facebook: <https://www.facebook.com/tntpc/>

The Tennessee Transgender Political Coalition is an organization designed to educate and advocate on behalf of transgender related legislation at the Federal, State and local levels.

▪ **Tennessee Valley Pride**

P.O. Box 8116
Chattanooga, TN 37414
Website: <http://www.tennesseevalleypride.com/>

Tennessee Valley Pride, Inc. is a non-profit organization designed to celebrate diversity in Chattanooga, TN and surrounding cities. Tennessee Valley Pride is committed to raising awareness, educating and strengthening the community, and improving the human condition.

▪ **UT Knoxville Commission for LGBT People**

403D Andy Holt Tower
Knoxville, TN 37996
Website: <http://cflgbt.utk.edu/>
Phone: 865-974-6271
E-mail: lgbtcom@utk.edu

The Commission for LGBT People is a body appointed by the chancellor to advise on planning, implementation, and evaluation of university programs, policies, and services designed to improve the status of lesbian, gay, bisexual and transgender people on the Knoxville campus.

▪ **Vanderbilt Lambda Association**

Vanderbilt University
PMB 7076, Station B
Nashville, TN 37235
Website: <https://anchorlink.vanderbilt.edu/organization/lambda>

As Vanderbilt University's Undergraduate Gender-Sexuality Alliance, the Vanderbilt Lambda Association is a leading promoter in diversity awareness and education, providing a safe space on campus for all students.

▪ **Vanderbilt Office of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Life**

VU Station B #351599
2301 Vanderbilt Place
Nashville, TN 37325
Website: <http://www.vanderbilt.edu/lgbtqi/>
Phone: 615-322-3330
E-mail: lgbtqilife@vanderbilt.edu

The office of LGBTQI Life is a cultural center and a place of affirmation for individuals of all identities, and a resource for information and support about gender and sexuality.



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