

Exclusionary bathroom policies harm transgender students

APR 17, 2019

Tanya Albert Henry

Contributing News Writer

For the sake of transgender students' physical and mental health, the AMA and other medical societies are urging a federal appeals court to uphold an Oregon school district's policy allowing transgender students to use bathrooms and locker rooms that match their gender identities.

Denying transgender students this access endangers their health, safety and well-being, leads to negative health outcomes and heightens stigma and discrimination, says the amicus brief filed by the AMA, the Oregon Medical Association and a dozen other mental health and health care organizations. They filed the brief in the 9th U.S. Circuit Court of Appeals.

A group of parents of cisgender students filed a lawsuit challenging the Oregon school district's policy, saying it violated their children's right to privacy. Last summer, a federal district court judge in Oregon ruled the policy didn't violate cisgender students' privacy. Now those parents are appealing the decision in the case, *Parents for Privacy v. Dallas School District No. 2*.

AMA policy supports transgender individuals' use of public restrooms in line with their gender identities, and the amicus brief informs the federal court about gender dysphoria and transgender health research.

For example, living one's life in accordance with one's gender identity is often critical to mental health. That can include adopting a new name, dressing in a way associated with one's gender identity, and using restrooms and other single-sex facilities consistent with the identity, the brief says.

"Exclusionary policies require transgender individuals to live one facet of their lives in contradiction with their gender identity," the brief explains. Such "policies threaten to exacerbate the risk of anxiety and depression, low self-esteem, engaging in self-injurious behaviors, suicide, substance use, homelessness and eating disorders, among other adverse outcomes."

And these are risks that are already higher among transgender people. The brief points to the Report

of the 2015 U.S. Transgender Survey from the National Center for Transgender Equality, which surveyed 27,000 transgender people and found that 40% reported a suicide attempt. That rate is nine times higher than in the general U.S. population.

Exposed to harassment and abuse

Transgender students may have transitioned before arriving at a school and forcing them to use facilities that do not match how they live and are recognized in the world may forcibly out them to their peers as transgender. That is harmful, the AMA brief tells the court.

“These policies rob transgender individuals of the personal choice of whether and when to reveal their status. It is often anxiety-inducing and fraught,” the brief states.

The compelled disclosure also opens up students to potential harassment and abuse. Nearly 70% of transgender survey respondents reported verbal harassment and 9% reported at physical assault in gender-segregated bathrooms, the brief says, citing research from 2013.

UTIs, constipation can result

Exclusionary policies also force transgender students to decide whether to violate the policy and potentially face disciplinary actions; use a bathroom that doesn’t match their gender identity or use a special bathroom that no other students are required to use; or not use any restroom.

None are good choices, the AMA brief tells the court, saying that “this difficult choice produces heightened anxiety and distress around restroom use, which may make it difficult for transgender individuals to concentrate or focus at school or work and potentially cause them to eschew social activities or everyday tasks.”

And students who avoid using the restroom can have medical consequences, the brief states, including recurrent urinary tract infections and constipation, as well as the possibility of more serious health complications, including hematuria and chronic kidney disease.

Welcoming school, better outcomes

On the flip side, numerous studies show that more welcoming, safer school environments result in lower rates of depression, suicidality and other negative health outcomes, the AMA tells the court, concluding that the court should uphold the lower court ruling that kept the Oregon school policy in

place.