LGBTQ Experiences with the Courts: The Role of Gender Nonconformity and Assertiveness

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LGBTQ EXPERIENCES WITH THE COURTS: THE ROLE OF GENDER NONCONFORMITY AND ASSERTIVENESS

by

ALEXIS A. FORBES

A dissertation submitted to the Graduate Faculty in Psychology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

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The manuscript has been read and accepted for the 
Graduate Faculty in Psychology in satisfaction of the 
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THE CITY UNIVERSITY OF NEW YORK
Using lesbian, gay, bisexual, transgender, and queer (LGBTQ) and non-LGBTQ participants, a pair of studies explored the influence of LGBTQ identity and gender nonconformity (GNC) in experiences of discrimination in court settings. A one-way ANOVA tested whether LGBTQ participants were more likely to score low on the treatment in court scale. Additionally, two separate multiple regression analyses tested whether high scores on the Gender Nonconformity Scale (GNCS; Forbes & Nadal, under review), were associated with low scores on a measure of treatment in court. It was discovered that LGBTQ identity did not have a statistically significant effect on factor in treatment ratings. However, the higher an individual’s score on the GNCS, the more likely it was that they would report negative court experiences. Additionally, the LGBTQ participants scored statistically significantly higher in GNC than non-LGBTQ participants did. The findings suggest that, with their higher levels of GNC, LGBTQ people may be more likely to encounter discrimination in the courts than non-LGBTQ people. For Study 2 it was theorized that assertiveness was a form of GNC for cisgender females and, using a multiple regression analysis, tested the three-way interaction between participants’ sex assigned at birth and scores on the assertiveness and GNCS measures. Interestingly, the congruity between gender presentation (i.e., masculine or feminine) and assertiveness score was a better predictor of
treatment than was the congruity between sex assigned at birth and assertiveness (i.e., female with low assertiveness scores). The implications for including measures of GNC as a standard for LGBTQ research are discussed.
Dedication

For Jared Kean McIntyre and his loving family.
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I would like to express the deepest appreciation to my committee chair Dr. Kevin Nadal, who has the model attitude, scholarship, and ambition of a contemporary academic. His style of advising allowed me to grow my interests in research concurrent with my passion for helping ethnic and sexual minorities. Without his guidance, patience, and practical advice, this dissertation would not have been possible. I would also like to thank my committee members, lore m. dickey, Michelle Fine, Will Rountree, and Brett Stoudt for their contributions to my work.

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Chapter 1: Introduction to the Study

Organization of the Dissertation

Chapter 1 provides an overview of the study; including ways that gender and gender nonconformity have been theorized and researched in the past. I also discuss the foci of my research questions: to identify treatment in court for LGBTQ individuals compared to non-LGBTQ individuals and to study the role of GNC in the court experiences of both LGBTQ and non-LGBTQ individuals. Chapter 2 provides a review of the relevant literature on gender, gender nonconformity, and LGBTQ identity. Chapter 3 introduces the research questions from Study 1, and the method that was used to answer those questions. Chapter 4 details the statistical analyses and some brief interpretations of the Study 1 findings. Chapter 5 presents the hypotheses and methodology for Study 2. Chapter 6 reports the statistical findings from Study 2. Finally, Chapter 7 discusses the implications and limitations of both studies in a thorough evaluation of the full project’s findings.

Background

The legal system has, in some respects, reinforced a climate of discrimination against lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals by restricting civil rights and failing to uphold the rights and protections that have been made available to LGBTQ populations (Christensen, 1997; Knauer, 2012; GLAD, 2014). Experiences with verbal or physical harassment, housing discrimination, police misconduct and parental custody revocations and restrictions could lead many LGBTQ individuals to mistrust the court system on which other people rely. This lack of trust can lead to LGBTQ individuals reporting fewer incidents of discrimination or victimization because they believe that the court will not help or them and may even harm them (Knauer, 2012; Lombardi, Wilchins, Priesing, & Malouf, 2001; Russell, Ryan,
Toomey, Diaz, & Sanchez, 2011). It is important for the courts to accommodate and assist LGBTQ individuals in order to restore a sense of trust and increase the utility of a relationship with the courts for individuals who identify as LGBTQ.

**Overview**

In 2004, the California Judicial Council commissioned a series of statewide surveys and focus groups for the purpose of informing the state of citizens’ trust and confidence in the California Court System (California Judicial Council, 2005). The council’s approach treated the state’s court system as a product that they wanted to improve for its consumers. The purpose of that product was to provide citizens with justice in legal matters. Similar to proprietary product research methods (see Rea & Parker, 2014 for a review of methodology), the California court system conducted focus groups with their clients (California residents) and with their employees (i.e., judges and attorneys) (California Judicial Council, 2005). California sought to gain information from both groups to improve the efficiency and efficacy of the California Court System. Their results indicated that many of the citizens who participated in the focus groups or completed surveys reported that they were confident in the state’s ability to produce justice (California Judicial Council, 2005).

Informing the country of how the LGBTQ community experiences the courts could help researchers and administrators understand where policy reform within the court system can be most effective. There are laws in place that, pending their enforcement, could help police and judges reduce the harmful discrimination and devastating victimization that dominates the experiences of some LGBTQ individuals. Some of the key concerns and themes in the California Judicial Council’s (2005) were needing a demographically diverse population of court personnel, problems associated with taking a case to court, providing residents with information about the
courts, and improving procedural justice. Considering the types of LGBTQ-based discrimination that have been documented in research (Clements-Noelle, Marz, & Katz, 2006; Grant et al., 2011; Pilkington & D’Augelli, 1995; Russell et al., 2011;), it is likely that a national sample of LGBTQ individuals would indicate that the majority of the stigmatized population, especially those who are GNC, do not trust and are dissatisfied with their experiences in this country’s court systems. By failing to serve the LGBTQ community through laws, law enforcement, and legal resolution, the court system damages this already vulnerable and highly stigmatized group.

Prior research has focused on the everyday discrimination, victimization, and marginalization face by the LGBTQ community (Harper & Schneider, 2003). However, no research has explored how everyday discrimination persists when LGBTQ citizens enter the courtroom. Additionally, it is unknown if disparities in treatment within the court setting should be attributed to sexual orientation-based discrimination or if gender nonconformity-based discrimination is the concern.

**Conceptual Underpinnings of the Study**

Throughout this document, I focus on many aspects of one construct: gender (see Appendix A for a list of key terms). The complexity of gender as a social force has become more apparent as researchers have merged the dialogues that exist between the traditional, binary conceptualizations of gender, and the less traditional theories, which emphasize the fluidity of the construct. Much of the research on gender as a fluid or non-binary construct has emphasized the term “androgyny.” Androgyny is defined as possessing or personifying characteristics that are thought to be both masculine and feminine. The Bem Sex-Role Inventory (BSRI; Bem, 1974) is an often cited scale among gender researchers. The BSRI and the BSRI Short Form (Bem, 1981) both measure “masculinity,” “femininity,” and “androgyny” through a participant’s self-
identification with adjectives such as, “moody,” or descriptive phrases, such as, “defends own beliefs.” Despite the measure’s popularity, some researchers have criticized its use and argue that the measure allows for the oversimplification of gender as a construct and lacks discriminant validity from measures of social desirability (Choi, Fuqua, & Newman, 2008; Hoffman & Borders, 2001). Additionally, the conflation of gender and gender identity on the BSRI has complicated its generalizability and utility, particularly for transgender and genderqueer individuals (Gomez-Gil et al., 2012).

Fortunately, there is a wealth of research that has explored the construct of gender outside of the terms, “male” and “female” that used to define it (Deaux, 1985; Stewart & McDermott, 2004). Gender, gender identity, and gender expression have been explored by psychologists, anthropologists, and sociologists in ways that provide a great deal of context for how gender is experienced, performed, accepted, rejected, and resolved by individuals and by the societies in which they exist (Deaux, 1985; Stewart & McDermott, 2004). This paper reviews theories of gender that currently have the greatest traction in the realities of LGBTQ individuals. Specifically, I review the interpersonal aspects of what I call “gender presentation” and synthesize literature on the experiences of individuals who are labeled as gender nonconforming. This review also discusses LGBTQ and GNC individuals’ experiences of discrimination and highlights the importance of including gender nonconformity when interpreting the antecedents of LGBTQ-based discrimination.

In societies worldwide, LGBTQ-identified individuals have been victimized for not conforming to heterosexist or gender-conforming norms or behaviors (Cook, Sadfort, Nel, & Rich, 2013; Toomey, Card, & Casper, 2013; Toomey, Ryan, Diaz, Card, & Russell, 2010). They have been victims of self-harm and suicide (Suicide Prevention Resource Center (SPRC), 2008),
bullying (Russell et al., 2011), intimate partner violence (Bornstein, Gawcett, Sullivan, & Senturia, 2006; National Coalition of Anti-Violence Programs (NCAVP), 2010), hate crimes (NCAVP, 2012), and police harassment and assault (Edelman, 2011; Stoudt, Fine, Fox, 2012). According to researchers and clinicians, LGBTQ people are reporting incidents of victimization at rates that are significantly higher than what is observed for non-LGBTQ individuals.

Gender nonconforming LGBTQ individuals are more likely than gender conforming LGB individuals are to report suffering physical, verbal, and sexual abuse at the hands of family members or intimate partners (Sandfort, Melendez, & Diaz, 2007). There is evidence that gender nonconformity has a compounding effect on sexual orientation-based discrimination such that gay, effeminate males are more likely to encounter discrimination than are gay, masculine males (Lehavot & Lambert, 2007). Gender nonconformity is a prominent correlate to victimization for lesbian, gay, bisexual, and transgendered persons (Gordon & Meyer, 2007; Sandfort et al., 2007). Victimization occurs more frequently with gender nonconformists than with other LGBTQ persons (Gordon & Meyer, 2007; Sandfort et al., 2007). Sandfort and colleagues (2007) reported that gender nonconformity is a significant risk factor for verbal, physical, and sexual assault from childhood through adulthood.

LGBTQ individuals are more likely to experience everyday discrimination because of their sexual orientation or gender identity than are people who do not identify as LGBTQ (Cochran, Sullivan, & Mays, 2003; Harper & Schneider, 2003; Wright & Perry, 2006). Laws are intended to protect all citizens in our society and, optimally, provide some semblance of therapeutic jurisprudence in a consistent and ethical application of the law (Wexler, 1995). Unfortunately, individuals who identify as lesbian, gay, bisexual, transgender, or queer are not experiencing the same benefit as non-LGBTQ identified individuals and, in many aspects of the
legal system, LGBTQ people are experiencing anti-therapeutic jurisprudence (Cochran et al., 2003; Wright & Perry, 2006).

The therapeutic jurisprudence theory posits that the law, the courts, and legal personnel can have a healing effect on victims and offenders (Wexler, 1995; Winick, 1997). Wexler (1995) states that the acts that would be considered therapeutic can vary with the circumstances of an individual’s encounter with the law. Unfortunately, just as the law, police, and the courts can supply therapeutic jurisprudence, they can also supply anti-therapeutic jurisprudence. Anti-therapeutic jurisprudence occurs when a victim or plaintiff finds themselves in a worse state than before they pursued the assistance of the police or the courts (Wexler, 1995; Winick, 1997). Losing a legal case can feel invalidating and discouraging, while winning a case can feel empowering and may improve the victim’s self-esteem (Dobash, Dobash, Cavanaugh, & Lewis, 1999). LGBTQ citizens can benefit from the law’s ability to operate therapeutically and they can be harmed by the legal process’ ability to operate anti-therapeutically (Wexler, 1995; Winick, 1997).

LGBTQ and GNC individuals have expressed apprehension about relying on police officers and the courts for protection from discrimination and victimization (Almeida, Johnson, Corliss, Molnar, & Azrael, 2009; Goldblum et al., 2012; Stoudt et al., 2012). Some family matters such as marriage, divorce, adoption, and custody proceedings require LGBTQ citizens to interact with family courts. Subsequently, LGBTQ persons may endure negative experiences with the family court system solely because some rights are explicitly or implicitly restricted to persons who identify and live as heterosexuals (i.e., marriage; Freedom to Marry, 2013).

Adverse interactions with the agents of the law are harmful, to not only the LGBTQ youth and adults themselves, but also to the LGBTQ community’s trust in or reliance on police
support or the judicial processes that are set in place to protect all citizens (Wolff & Cokely, 2007). Thus far, legal scholars have commented on the role of gender nonconformity on LGBTQ persons’ legal outcomes (Ball, 2003; Friedman, 2007; Greenberg, 2002) but there has been little empirical research available to provide an accurate, reliable picture of legal outcomes for LGBTQ persons. Research to date has not evaluated the lasting effects of legal outcomes on individuals involved in the litigation or the effects on the LGBTQ community as a whole. It is possible that the macro-level effects of case outcomes further victimizes LGBTQ citizens because of the inconsistent and, in some cases, discriminatory application or the lack of enforcement of the laws that are intended to protect individuals from discrimination and victimization).

**Purpose of the Study**

Distinguishing the differences in outcomes for LGBTQ individuals who are gender nonconforming (GNC) versus those who are gender conforming may lead researchers to understand when and why LGBTQ individuals are at risk. I believe that gender nonconformity exists on a spectrum as opposed to the conventional belief that an individual is either gender conforming or they are not. For example, a cisgender (an individual who identifies as their sex\(^1\) and conforms to gender norms for that sex), heterosexual female may have what could be considered as traditionally male hobbies and interests (i.e., riding motorcycles). Therefore, in the majority of social contexts, she is gender conforming but her interest in motorcycles could, in some contexts, lead to someone labeling her as GNC. By rejecting the binary conception of gender presentation (conforming or not conforming), researchers can allow for an understanding of the nuances of gender nonconformity-based discrimination.

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\(^1\) Throughout this dissertation, the word “sex” is used to refer to the sex that one was assigned at birth.
That deconstruction can also help researchers to understand if there are some contexts in which gender nonconformity is punished and other contexts in which gender nonconformity is rewarded. It is possible that GNC in one aspect of that individual’s personality (i.e., style of speech), is more likely to evoke discrimination than individuals who are GNC in a different aspect of their personality (i.e., style of dress). Identifying this distinction may help to explain why some LGB individuals encounter explicit discrimination and why some do not.

The present research investigated the experiences of LGBTQ citizens in the United States courts system. The purpose of this investigation was to assess the common experiences and to explore predictors of disparities in treatment between LGBTQ individuals and non-LGBTQ individuals in the court system. Additionally, this research sought to discern what role, if any, gender nonconformity played in the treatment of LGBTQ and non-LGBTQ individuals in the court. This study hopes to contribute to the reorganization of how gender nonconformity is researched within the social sciences by using a scale that measures how individuals present their gender identity in different contexts and self-reports of court experiences.
Chapter 2: Literature Review

This project was developed to investigate the experiences that LGBTQ individuals have in the United States Court System. Some court experiences are unique to transgender individuals (i.e., name or gender change on birth certificate); other court experiences are unique to same-sex couples who would like to jointly adopt a child, get married, or get divorced. LGBTQ individuals encounter many impediments when trying to assert legal rights that are standard for individuals who do not identify or present as LGBTQ. The accumulation of these impediments constitutes institutionalized discrimination. These common experiences are not immediately clear to non-LGBTQ individuals, or to LGBTQ individuals who have not needed or wanted to assert the rights that are restricted to cisgender people. This chapter reviews literature that explains the legal mechanisms behind discriminatory laws, surveys the psychological research that have investigated the impact of legal discrimination against LGBTQ individuals, and highlights areas of the literature where augmentation of theory and extrapolation of gender identity constructs, like gender nonconformity, would help psychological and legal researchers to understand the best way to counteract rampant legal discrimination.

I discuss the literature in this chapter using a 5-part structure. First, I explain the role of the courts in maintaining order and restoring individuals by providing therapeutic jurisprudence. Second, I discuss the context of gender, gender nonconformity, and sexual orientation, as psychologists, sociologists, and legal scholars understand these concepts. Third, I review the commonplace discrimination that LGBTQ individuals experience, as well as the manifestation of that discrimination in legal or court settings. Fourth, I discuss the utility of an informative measure of gender nonconformity. I explain the theories associated with the existing measures
and highlight the areas of research that suggest that the way gender nonconformity is measured should change. Finally, I discuss the role of assertiveness in GNC and in court experiences.

**The Role of the Courts in the United States**

In the United States, the justice system is comprised of entities that are intended to keep citizens safe and to enforce the rights that are afforded to citizens through the Constitution. The courts provide a forum through which civil, family, and criminal legal matters may be resolved. However, the laws that govern these legal matters are sometimes flawed if they do not benefit each demographic equally. The manner in which a judge interprets and decides the applicability of an established law to the case at hand is known as judicial interpretation (Karlan, Liu, & Schroeder, 2009). Biased judges may implement biased interpretations and order biased enforcements of the law for individuals in stigmatized groups (i.e., ethnic minority). These interpretations and enforcements have lasting impacts on the individual, and sometimes, on the demographic group as a whole (Chambers & Polikoff, 2000). The importance of the courts in the United States lies within its power to affect social statuses and change the context of cultural acceptance for marginalized groups.

**Procedural Justice**

Procedural justice (Thibaut & Walker, 1975; Tyler, 1988; Tyler & Bies, 1990) theorizes that an individual’s interaction with the court or the legal process can affect that individual’s mental health and their subsequent legal action or inaction. The term, procedural justice, refers to citizens’ assessments and judgments of the legal process; including its laws and agents (i.e., police officers and judges), logistics, and the procedures that are integral to the operation of a justice system (Tyler, 1988). Individuals want the legal agents to operate ethically, honestly, and to be consistent in their application of the law (Tyler & Bies, 1990). Similar to the effects of anti-
therapeutic jurisprudence discussed in Chapter 1, court experiences with low procedural justice can have negative effects on an individual’s mental health and their likelihood of using the legal system in the future (Tyler, 1988). Additionally, there is a mutual benefits result from procedural justice and legitimate policing. When citizens feel like justice is fair and the police and courts are protecting them as opposed aggressing them, they are more likely to support the police and even more likely to obey the law (Sunshine & Tyler, 2003; Tyler, 2006; Tyler & Wakslak, 2004)).

One form of procedural injustice occurs when officers of the law inconsistently apply punishment to demographically distinct groups; systematically disfavoring ethnic, gender, or sexual minorities (Clay-Warner, 2001). Recently, 35 LGBTQ youth in Australia shared their experiences in a qualitative research project and told researchers how being gender nonconforming or “visibly queer” puts them at risk for being approached by police officers on a daily basis (Dwyer, 2011). Dwyer described how the youth’s visible gender nonconformity served as a signal to police officers that these teens are associated with a culture (LGBTQ) that is typically subverted by heteronormativity (the belief that heterosexual and gender conforming behaviors are the norm). According to these participants, police officers responded to theses LGBTQ youth’s public displays of same-sex affection by issuing a ticket for violating public decency laws. Many participants conveyed that they had altered their behaviors in the presence of police officers and tried to present as more gender conforming in order to avoid being harassed or given a fine for a minimal act that would not normally warrant police action or attention (Dwyer, 2011).

This fear of harassment is not unique to gender nonconforming youth in Australia. Youth in the United States, including some in New York City, have shared their experiences in which police officers targeted gender nonconforming youth under the pretense of maintaining order
(Dwyer, 2011; Stoudt et al., 2012). Many of these youth expressed their belief that the negative interactions with the police officers would not have occurred if the youth were dressed or behaved in a gender conforming manner. According to these accounts, public gender nonconformity by youth is criminalized and often results in unwanted attention and negative experiences with the legal system (Dwyer, 2011).

In the United States, there are branches of government in place to keep citizens safe, maintain the protection of civil rights, and to punish the people who deprive citizens of those rights. The judicial system is the body that affords citizens adjudication and, optimally, justice for their grievances. The laws that protect civil rights are not equally effective or applicable to all members of society. LGBTQ individuals experience discrimination based on sexual orientation, gender identity, and gender nonconformity or presentation (Friedman & Leaper, 2010; Grant et al., 2011; Taylor, 2007; Weinberg, 2009). Justice for LGBTQ-identified persons who experience discrimination in the realm of their occupation, personal relationships, or within familial relationships is not as accessible as it is to non-LGBTQ individuals who experience discrimination or victimization in similar contexts (Martin & Meezan, 2003).

**Sex, Gender, and LGB Identity**

Gender is the concept of behaviors, interests, and socially constructed expectations that society has established for men and women (Deaux, 1985; Stewart & McDermott, 2004). Gender identity refers an individual’s conceptualization of their gender as male, female, queer, or another self-identifying term (Frable, 1997). Male gender identity is typically associated with masculine interests and behaviors. Research suggests that individuals associate masculinity with ambition, dominance, athleticism, and self-reliance (Bem, 1974). Female gender identity usually represents an individual whose behaviors and interests are traditionally feminine. Some examples
of traditionally feminine characteristics are compassion, sympathy, loyalty, and sensitivity. Regardless of their sex as assigned at birth, female-identified individuals feel that they are female or a woman, and that “female” is the term that most closely defines how they perceive their gender. Likewise, a male-identified individual feels that they are a man. A person with a queer gender identity feels that neither male nor female describes their gendered outlook or self-concept. Someone with a queer-identified gender may engage in behaviors that are stereotypical for males or have interests and feelings that are stereotypically associated with females. “Genderqueer” individuals believe that the binary conceptualization of gender, male or female, does not accurately describe their identity (Nestle, Howell, & Wilchins, 2002). Recently, individuals associated with the LGBTQ community have acknowledged the unique experiences of the individuals whose physical appearance does not match their gender identity or self-concept (Harper & Schneider, 2003). More specifically, the academic and non-academic conversations of clinicians and researchers that deal with discrimination against the LGBTQ community have emphasized the need for a distinction between the terms “gender” and “sex” (Tomsen & Mason, 2001).

In the United States, sex is culturally constructed to be binary (i.e., either male or female but not both; Hird, 2000). However, for intersex individuals, physicians may not immediately assign a binary sex at birth because that child has “genetic, hormonal, or anatomical sex characteristics” of both genders (Hughes, Houk, Lee, & Consensus Group, 2006). Historically, physicians have resolved ambiguity of that child’s sex by performing surgeries that enhance one sex and minimize the other. Medical doctors, researchers, and advocacy groups advise the parents of intersex children that the binary sex of their child cannot be resolved through cosmetic surgery alone. In addition to undergoing what some argue are unnecessary surgeries to eliminate
or enhance genitalia; some intersex individuals must take hormones in order to suppress any unwanted sex characteristics. Intersex individuals, regardless of surgical procedures, may have an intersex identity whereas, instead of being both male and female, that individual identifies with a “third gender” that does not conform to society’s understanding of gender. The intersex identity is unique in that it does not represent a “sum” of its parts. One intersex person with male and female sex characteristics may have a male gender identity while another intersex individual with the same type of sex characteristics may have an identity that is neither male nor female. In a society where binary gender identification is the norm, intersex individuals often have difficulty with navigating their sense of gender identity because their biological sex does not correspond to a single gender (Hughes et al., 2006).

Qualitative and quantitative research suggests that within the LGBTQ community, both gender identity and sexual orientation are understood to be fluid (Clarke & Turner, 2007; Diamond, 2008; Eliason & Schope, 2006; Gangstead, Bailey, & Martin, 2000). Fluidity in the spectrum of gender identity occurs when individuals are not restricted to behave in a binary gendered manner. For instance, a male with a fluid gender identity may behave traditionally masculine in some settings, androgynous, or feminine in other settings. Additionally, a lesbian can behave in masculine ways and still identify as a female (Eliason & Schope, 2006; Gangstead et al., 2000). Sexual orientation alone does not determine one’s gender identity (Hiestand & Levitt, 2005; Lippa & Arad, 1997).

Gender identity fluidity, gender nonconformity, and ambiguous gender presentation, which are not stigmatized in the LGBTQ community (see exceptions Bailey, Kim, Hills, & Lisenmeier, 1997; Taywaditep, 2002), are typically deemed unacceptable in a cisgender (society (Blashill & Powlisht, 2012; Tomsen & Mason, 2001). The cisgender conceptualizations of
gender identity require that individuals conform to the norms, including sexual orientation, that are congruent with their sex (Herek, 2000; 2007). According to a heterosexist perspective, individuals who are born male are expected to speak, dress, and behave in a masculine manner while having intimate relations and sex with women exclusively. Likewise, according to traditional gender norms, females are expected to speak, dress, and behave in feminine ways and to engage in romantic and sexual acts with men (Herek, 2000; 2007). LGBTQ individuals, who violate traditional gender norms or engage in sexual or romantic relationships with same-sex partners, are considered gender nonconforming (Gordon & Meyer, 2007).

The most prominent work on sexual orientation fluidity has been conducted using the Kinsey scale, which was first, published in 1948 (Kinsey, Pomerov, & Martin, 1948). This scale ranges from zero, “exclusively heterosexual” to six “exclusively homosexual”. Any score between one and five indicates some degree of bisexual sexual orientation or behavior. The classifications on this scale preclude the use of binary sexual orientation labels and research with this scale highlights the spectrum of sexual behaviors. The most common labels for sexual orientation identities are “heterosexual” and “homosexual”. Similar to lesbian and gay individuals, bisexual individuals are of a minority sexual orientation and may be marginalized by heterosexual or lesbian and gay individuals, depending on the gender of the person with whom they are in a relationship (San Francisco Human Rights Commission, 2011). Another minority sexual orientation identity is pansexual. Pansexual individuals are similar to bisexual people in that they are attracted to both, cisgender males and cisgender females. However, pansexual people are also attracted to genderqueer, gender variant, or gender self-identified individuals.

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2 The term “homosexual” was used by Kinsey to refer to lesbian or gay sexual orientations. The word “homosexual” is considered derogatory by some and is only used in this document when referring to a direct quote from previous authors.
(Drobac, 1999). The pansexual sexual orientation highlights the degree of fluidity that currently exists in terms of the behaviors and modern labels of sexual orientation. Pansexuality also indicates that the concepts of sexual orientation are highly dependent on an individual’s identity and that the experience of sexual orientation can vary.

**Gender Nonconformity**

Unlike other social minority statuses (i.e., race), one cannot assess the sexual orientation of someone by physical appearance alone (e.g., determining someone’s race based on her (her/his) skin color, facial features, etc.). Some lesbian, gay, and bisexual individuals do not conform to the traditional gender role norm of engaging in sexual acts with an opposite-sex partner but, in other aspects of their life, they are, in fact, gender conforming (Bailey et al., 1997; Clarke & Turner, 2007). Some LGB individuals are “passing” and are perceived as heterosexuals because they behave in ways that are consistent with the traditional gender norms that are associated with their birth sex (National Lesbian and Gay Journalists Association, 2014). Furthermore, there are many instances where LGB-identified individuals do not interact with others in a way that would prompt a discussion of or require a casual assessment of their sexual orientation.

Gender nonconformity is defined as the expression of a schema of behaviors, which are typically associated with the opposite sex (i.e., male ballet dancer or female construction worker; Bailey & Zucker, 1995). There is evidence that gender nonconformity has a compounding effect on sexual orientation-based discrimination such that gay, effeminate males are more likely to encounter discrimination than are gay, masculine males (Lehavot & Lambert, 2007). Gender conforming members of the LGB population are less likely to experience LGBTQ-related discrimination when other individuals are not aware that they are LGB (Kanuha, 1999).
Therefore, when behaving according to traditional gender norms, the individual’s LGB identity alone may not result in discrimination that LGBTQ-identified individuals typically experience. Evaluating discrimination and its impact on physical and mental health within LGB populations may not thoroughly ascertain risk factors if research samples include LGB participants who are “passing” as heterosexuals for some or all of their daily interactions, familial relationships, and in professional settings (Lehavot & Lambert, 2007). Gender presentation or gender conformity may moderate the positive and negative experiences of LGB individuals.

A review of research involving LGB people indicates there have been many studies that have continued to support that gender nonconformity is a prominent correlate to victimization for lesbian, gay, and bisexual persons (Gordon & Meyer, 2007; Sandfort et al., 2007). In a sample of gay and bisexual Latino men, gender nonconformists were more likely to report suffering physical, verbal, and sexual abuse at the hands of family members or intimate partners from childhood through adulthood (Sandfort et al., 2007). Increased risk of harm for GNC individuals suggests that gender nonconformity may also moderate the relationship between LGB identity and certain types of victimization.

In addition to its influence on victimization risks, gender nonconformity may also moderate the incidence of discrimination for LGBTQ persons (Skidmore, Linsenmeier, & Bailey, 2006). LGBTQ persons experience prejudice related to gender nonconformity at work and in public settings (Gordon & Meyer, 2007; Weinberg, 2009). In public settings, LGBTQ persons are more likely to experience prejudice, discrimination, and harassment when they are gender nonconforming than are their gender conforming LGBTQ counterparts. Interestingly, within the LGBTQ community, gay men and lesbians are more likely to have negative attitudes
toward GNC lesbians and gay men than against gender conforming lesbians and gay men (Skidmore et al., 2006).

Individuals who endorse traditional gender role norms are more likely to discriminate against people who are GNC (Barron, Struckman-Johnson, Quevillon, & Banka, 2008). Parrott, Peterson, Vincent, and Bakeman (2008) asked heterosexual males to imagine themselves in a scene at the airport where they witness two men reuniting and kissing. Some participants responded negatively to the representation of the gay male romantic relationship they were asked to visualize. Specifically, participants who scored high on their endorsement of anti-femininity as a male gender role norm were more likely to score higher on the measure of anti-gay anger than participants who did not exhibit strong endorsement of the anti-femininity norm. The relationship that surfaced between the construct of gender nonconformity and the heterosexual males’ discrimination on gay males suggests that gender norms and gender nonconformity may help explain some aspects of heterosexuals’ discrimination against LGBTQ-identified individuals (Parrott et al., 2008).

Some gender conforming lesbian, gay, and bisexual individuals stigmatize or devalue GNC individuals (Bailey et al., 1997). For example, lesbians and gay males prefer partners who are gender conforming (Bailey et al., 1997). Through an analysis of gay and lesbian dating advertisements \( N = 3,511 \), Bailey and colleagues (1997) found that gay men, overall, prefer masculine not feminine male partners. Feminine gay men were less consistent in their desire to have a masculine partner. Lesbians preferred women who looked feminine but they also accepted partners who acted masculine. From their analysis of the dating advertisements, authors found that lesbians sought partners that appeared and behaved “feminine” while gay men requested men that were “masculine,” “muscular”, and “dominant”. The same analysis of dating
advertisements for heterosexuals ($N = 3,659$) revealed that heterosexuals placed much less emphasis on the gender presentation or gender conformity of their desired partner than lesbians and gay men did. Interestingly, the gay men were more likely to describe themselves as masculine than were the heterosexual men. It is possible that heteronormativity was inferred by the heterosexual men more often than by gay men. Another possible indicator of heteronormativity is that the heterosexual men were less likely to ask for feminine women as compared to lesbians’ requests for feminine partners. Additionally, heterosexual women were less likely than were gay men to ask for masculine partners and less likely than lesbians were to describe themselves as feminine. Bailey and colleagues asserted that the gay and lesbian people were more concerned with, or at least more aware of, gender conformity and gender role norms than were heterosexuals (Bailey et al., 1997).

One explanation, posited by Bem (1996), may help to explain the trend for gay men and lesbians to emphasize gender conforming qualities in their ideal mates. Bem suggests that adults are attracted to the type of people that they feel they were least like in their childhood. Bem labeled this theory “Exotic Becomes Erotic” (EBE). For example, gay men often present as GNC when they are children (Bailey, Finkel, Blackwlder, & Bailey, 1998) and, eventually, prefer masculine men to feminine men for adult romantic or sexual relationships. Bem’s comprehensive theory of sexual orientation development is built upon the idea that children grow up to be attracted to the individuals to whom they are dissimilar and the notion of dissimilarity is exotic. This theory encompasses the sexual orientation identity formation for same-sex and opposite-sex attraction. Hence, boys who are interested in things that are traditionally feminine and prefer opposite-sex (female) friends are likely to prefer masculine male partners as adults (Bem, 1996).
A preference for gender conforming partners for both heterosexual and LGB adults may indicate that gender conformity is desirable; at least in the context of the dating culture.

**Transgender Identity and Experience**

The transgender experience is included by LGBQ (lesbian, gay, bisexual, and queer) researchers and advocacy groups because transgender people experience similar stigmas and discrimination due to their gender nonconformity and gender presentation (Gerhardstein & Anderson, 2010; Grant et al., 2011). However, it is important to note, a transgender identity does not imply a specific sexual orientation (Eliason & Schope, 2007). Transgender individuals can identify as lesbian, gay, bisexual, asexual, pansexual, or heterosexual. Transgender people typically live as the gender that is not associated with their assigned birth sex. For example, a transgender woman, also known as MTF (male to female), was born with male sex characteristics, but identifies and lives as a woman. Likewise, a transgender man (female to male (FTM)) was born with female sex characteristics, lives and identifies as a man. As the transgender experience has become more prominent in the United States, so too have the terms with which transgender individuals identify. Some transgender individuals choose to label their identity as gender variant or, more simply, gender nonconforming.

Throughout their lifetime, transgender individuals may feel discord between their gendered appearance or their gender presentation and their birth sex (Gagné & Tewksbury, 1998; Grant et al., 2011). This discord often produces an emotional conflict because trans-identified individuals are born with physical characteristics of the sex with which they do not identify (Coleman, Bockting, Botzer, et al., 2011, Eliason & Schope, 2007). Some transgender individuals opt to take hormones to enhance or suppress secondary sex characteristics such as facial hair or the pitch of their voice (Adler, 2007; Adler, Hirsch, & Mordaunt, 2006). Other
trans-identified individuals may decide to undergo surgery (known as gender affirmation), facial feminization or masculinization, breast reduction, or breast augmentation (Murad, Elamin, Garcia, et al., 2010). In addition to biological methods of gender reconciliation, transgender individuals can also receive therapy to change their speech, posture, cadence, and other gender norms that help them present as the gender with which they identify (Adler, 2007). Within the transgender community, individuals and their allies understand that gender nonconformity is a common and defining characteristic of transgender individuals (Gagné & Tewksbury, 1998). However, transgender individuals’ experiences with discrimination differ on an array of issues that depend on factors including age, familial ties, status of gender transition, and race or ethnicity.

**Discrimination against LGBTQ and GNC**

A wealth of psychological, medical, and sociological research indicates that LGBTQ status is linked to an increased likelihood of experiencing discrimination (Friedman & Leaper, 2010; Himmelstein & Bruckner, 2010), economic hardship (see Quintana, 2009, for a review; Quintana, Rosenthal, & Krehely, 2010), mental (Almeida et al., 2009; Herek & Garnets, 2007) and physical (Harcourt, 2006) health disparities, victimization (Tomsen & Mason, 2001), academic sanctions (Himmelstein & Bruckner, 2010), physical and sexual assault (Grant et al., 2011), as well as an increased risk of suicide (Herek & Garnets, 2007; SPRC, 2008) as compared to cisgender individuals.

Researchers, clinicians, and advocates that work with the LGBTQ population have articulated the need for policies and laws that can reduce LGBTQ discrimination, increase therapeutic jurisprudence, and, consequently, reduce the economic and health disparities between LGBTQ and non-LGBTQ populations (Badgett, 2001; Badgett, Lau, Sears, & Ho, 2007; Balsam,
Molina, Beadnell, Simoni, & Walters, 2011; Meyer, 2003a; 2003b; Sullivan, 1996; Taylor, 2007). Typically, stigmatized groups have access to policies and laws that prevent or punish discrimination that they endure based on their minority-group membership (Carle, 2011).

Antidiscrimination policies and the enforcement of those policies have helped women and people of color (POC) to retain or regain rights to employment, housing, medical care, and other services that have, at some point in history, been threatened or revoked because of the characteristics that define those individuals’ membership in one or multiple minority groups (Carle, 2011). These policies also provide minorities with a promise of procedural justice in that there are explicit recourses for protecting their rights and restoring their lives. Some policies or laws have not been extended to prevent discrimination against people who are or are perceived to be of a minority sexual orientation, transgender, or gender variant (Herek, 2004; 2007). The discrimination that is commonplace in the lives of LGBTQ individuals may be lessened by the extension and enforcement of the protections that other minority groups rely on to ensure quality in aspects of health and prosperity.

Counselors and psychologists who work with LGBTQ individuals are aware of the explicit stressors that contribute to an LGBTQ client’s mental health but many are beginning to examine the subtle forms of discrimination that can have a cumulative impact on an individual’s emotional well-being (see Sue, 2010 for a review). Microaggressions are subtle forms of discrimination that may be perpetrated, sometimes unknowingly, by an individual or by a society (Sue, 2010). Microaggressions against LGBTQ individuals include heterosexist comments about relationships or the use of homophobic terms in casual conversations with or without an LGBTQ individual present (Nadal, 2013). Microaggressions jeopardize the mental health of youth and adults who identify as lesbian, gay, transgender, or bisexual (Balsam et al., 2011; Nadal et al.,
One example of a systemic microaggression is the lack of the extension of certain legal rights (i.e., marriage) and the courts’ failure to enforce laws to protect individuals (i.e., employment discrimination). These microaggressions in the courts can lead to negative outcomes and enhance anti-therapeutic jurisprudence. By committing systemic microaggressions against LGBTQ individuals, the courts might contribute to the decline of the mental health of individuals who may or may not choose to seek legal provisions.

**Economic Consequences of Discrimination**

LGBTQ individuals experience economic hardship through increased unemployment, wage gaps, housing discrimination, and higher rates of poverty than heterosexual cisgender individuals do (Albeda, Badgett, Schneebaum, & Gates, 2009; Badgett, 2001; Grant et al, 2011). Data from a recent survey indicates that 14% of transgender individuals are unemployed compared to the 7% unemployment rate for the general population (MAP, 2013). Fortunately, gay men are not more likely to live in poverty than are heterosexual men. However, lesbian and bisexual women aged 18-44 have higher rates of poverty than heterosexual women have (24% vs. 19%; Quintana, 2009). Lesbian families are more likely to have negative economic outcomes than gay male or married cisgender heterosexual couples are (Badgett et al., 2007). Being a parent may exacerbate this pattern in that 9.4% of lesbian couples who are parents live below the poverty line as compared to 5.5% and 6.7% for gay male couples with children and heterosexual couples with children respectively (Badgett et al., 2007).

Employment discrimination is also a concern for many LGBTQ individuals, particularly transgender people. For transgender individuals, employment discrimination translates into negative financial outcomes. Transgender individuals are at risk for high rates of homelessness, unemployment, and of earning lower wages (Grant et al., 2011). Many authors have attributed
these risks to the high rates of employment discrimination that transgender individuals report (Badgett et al., 2007; Grant et al., 2011). In a sample of 6,450 transgender individuals in the United States and Puerto Rico, 19% reported having experienced homelessness at least once in their lives and 15% of the sample lived on $10,000 or less per year. Within that sample, an overwhelming 97% reported experiencing discrimination on the job, including harassment and mistreatment (Grant et al., 2011). Almost half (47%) of the sample reported that their employer had denied them a promotion or fired them because of their transgender identity (Grant et al., 2011). By providing legal protections from employment discrimination, the U.S. court system could serve to insulate transgender individuals from the negative consequences that are associated with unemployment.

**Employment Discrimination Litigation**

The fight against LGBTQ employment discrimination has drawn most of its support from the legal precedent set in 1989 by the United States Supreme Court for a GNC plaintiff (*Price Waterhouse v. Hopkins*, 1989). The victim of the discrimination, Ann Hopkins, did not identify as transgender; however, her employers discriminated against her because they believed that her appearance and behaviors were not sufficiently feminine. In *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), the Supreme Court upheld the lower court’s decision that it is illegal for a company to discriminate against an employee because of that employee’s nonconformity to stereotypes about sex or gender. Before the Price Waterhouse ruling, the Title VII employment discrimination law (Civil Rights Act of 1964 (EEOC, 2014) protected citizens from receiving disparate treatment based on age, race, and sex, but the Price Waterhouse ruling indicated that the courts were willing to broaden the definition of “sex” as it pertained to Title VII litigation.
After the Price Waterhouse case, many LGBTQ individuals began to file legal complaints against their employers for sexual orientation-based discrimination (Greenberg, 2002; Gulati, 2003; Weinberg, 2009). LGBTQ individuals hoped that judges would interpret the Price Waterhouse ruling to mean that discrimination based on gender nonconformity or sexual orientation was impermissible according to the law. LGBTQ citizens rarely win employment discrimination lawsuits that are associated with their gender presentation, sexual identity, or sexual orientation (Gulati, 2003; Weinberg, 2009). Judges’ decisions often focus on how the ruling and the original Title VII law define sex. Transgender litigants have argued that the employment discrimination they encountered was based on their gender or gender identity and therefore qualified as sex discrimination. However, reviews of court decisions indicate that employers who have been accused of GNC-based discrimination against a heterosexual, non-transgender employee are more likely to receive sanctions from the courts than are employers in cases where the employee is lesbian, gay, bisexual, or transgender (Weinberg, 2009). Judges across the country define “sex” in different ways and the lack of a uniform federal ruling that explicitly includes the terms “transgender” and “gender identity” complicates justice in employment discrimination for transgender individuals. Additionally, this trend of denying LGBTQ employees’ claims of employment discrimination may decrease the likelihood that individuals will file claims in the future. In other words, this trend communicates to employers, and to LGBTQ employees, that the rights of LGBTQ individuals are subverted (Weinberg, 2009).

Prior to 2012, judges denied many Title VII claims brought by transgender individuals who believed that their employer discriminated against them because of their transgender identity. A 2012 employment discrimination case, Macy v. Holder, Appeal No. 0120120821
(April 20, 2012), resulted in a ruling that specifically prohibits discrimination against transgender employees. Mia Macy was tentatively offered a position with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) but after Macy, a transgender woman, informed a BATFE administrator of her intent to transition from male to female, the job offer was rescinded. The BATFE lied to Macy and told her that the position no longer existed, but Macy later learned that another candidate was hired for the same position. Macy filed a Title VII complaint and asked that the Equal Employment Opportunity Commission (EEOC; U.S. Office of Personnel Management, 2013) classify her claim as a case of sex discrimination. The EEOC reviewed Macy’s complaint and ruled that a transgender woman could file a sex discrimination case against the BATFE. This case has the potential to curb and, eventually, eliminate the type of employment discrimination that is common for many transgender individuals.

As a result of the Macy ruling, all federal agencies can be investigated for claims of discrimination against a federal employee based on that employee’s transgender identity or presentation (Macy v. Holder, 2012). Transgender complainants can also bring charges against their employers in private companies. In 2012, after the ruling, EEOC released a statement with advice for public and private employers to ensure that they are not violating the civil rights of their transgender employees (EEOC; U.S. Office of Personnel Management, 2013)). These recommendations include educating staff, implementing changes in employee dress code, changing the type of restrooms that are available (i.e., unisex), maintaining personnel records, using appropriate pronouns, and offering trans-inclusive health insurance benefits (i.e., medically necessary treatment). Transgender employees across the country can now file cases against companies for discriminatory hiring, promotion, and termination policies, harassment, and other forms of transphobic employment discrimination (U.S. Office of Personnel Management, 2013).
In the absence of employment discrimination, LGBTQ-identified individuals who are gainfully employed may still experience negative consequences in their quality of life. Lesbian, gay, bisexual, and transgender individuals are often victims of housing discrimination (Grant et al., 2011; Meyer, 2003a; 2003b). Individuals report being denied housing or being evicted because of perceived sexual orientation or transgender identity. In the same, previously mentioned survey of 6,450 transgender and gender nonconforming individuals, 19% (Grant et al., 2011) reported being discriminated against and denied housing because of their gender identity or gender presentation and 11% reported being evicted. Being denied an apartment or a home can cause an individual to seek alternatives, including services for the homeless. Unfortunately, 55% of LGBTQ individuals who sought homeless services reported being harassed by residents of the shelter or by shelter employees (Grant et al., 2011). In addition to the likelihood of harassment, an alarming 22% of respondents reported being sexually assaulted by shelter staff or other residents. In many places, housing discrimination against LGBTQ individuals is not explicitly prohibited. Without housing policies that explicitly prohibit discrimination against GNC and transgender people, those citizens are unlikely to take legal action against landlords and housing agencies to prevent living on the street or residing in a homeless shelter where experiencing mental, physical, and sexual abuse are valid concerns (Grant et al., 2011).

LGBTQ youth must resolve their housing problems through the courts or risk homelessness Estrada & Marksamer, 2006. The home environment for some LGBTQ youth can become unsafe after they have disclosed their gender identity or sexual orientation to their parents or guardians. Some parents have responded to their child’s GNC behavior so adversely that they forced the child to leave home and they relinquished custody or parental rights to the
State. Trans-identified youth may run away from home because their parents have invalidated their gender identity by refusing to call them by the proper pronouns or by not allowing them to dress in a manner that is consistent with their gender identity. Typically, these displaced teens will have immediate or subsequent contact with the foster care, child welfare system, and the juvenile justice system (Estrada & Marksamer, 2006).

In addition to bullying and anti-LGBTQ harassment, some LGBTQ individuals are victims of physical assault and hate crimes (NCAVP, 2012). The most recent report on anti-LGBTQ hate crimes, also known as sexual orientation violence (SOV; D’Augelli, Hershberger, & Pilkington, 1998), published by the NCAVP (2012) surveyed 1,079 LGBTQ survivors of bias crimes in the United States. According to statistics, hate crime violence decreased from 2,503 reported incidents in 2010 to 2,092 reported incidents in 2011. However, the number of anti-LGBTQ murders that were reported to NCAVP increased from 27 in 2010 to 33 in 2011, which is the most LGBTQ-related hate crime murders reported in one year since the statistics have been recorded. A closer look at the data indicate that people of color, transgender individuals, and, especially transgender people of color, experienced the highest rates of hate crime victimization (NCAVP, 2012).

Transgender individuals experienced the most severe violence and were the most likely to require medical treatment but were the least likely to receive help from the police (NCAVP, 2012). Additionally, police were less likely to label the incident as a hate crime when the individual was transgender than when the victim was cisgender. Transgender women were more likely to experience harassment and violence than were transgender men and non-transgender individuals (NCAVP, 2012). Another finding was that within the two-year period of 1998-2000, the frequency of SOV toward LGBTQ individuals decreased, however, the amount of SOV
toward heterosexual individuals increased (New York City Gay and Lesbian Anti-Violence Project, 2001). Victims who were perceived as LGBTQ encountered SOV even if they did not identify as LGBTQ. In other words, cisgender heterosexuals who were perceived as LGBTQ experienced more violence than LGBTQ individuals did. This finding could indicate that, in response to the threat of SOV, LGBTQ individuals adjusted their public behavior to avoid being perceived as LGBTQ and victimized. These statistics suggest that regardless of their sexual orientation, individuals who are GNC (i.e. feminine natal males) are more likely to experience violent victimization related to their gender identity and gender nonconformity than are cisgender LGB and heterosexual individuals (NCAVP, 2012).

Despite the recent recording and publishing of SOV, many scholars and advocates believe that statistical reports of bias crime violence do not reflect the actual incidence of hate crimes against LGBTQ individuals (Sullivan & Losberg, 2003). These advocates believe that there is a significant portion of bias crime survivors who are not included in the statistics because they experience SOV in prisons or in rural areas that lack proper support for LGBTQ individuals, they are not comfortable reporting SOV because they are not “out”, or because they believe that reporting could lead to null or negative outcomes (NCAVP, 2012; Sullivan & Losberg, 2003). LGBTQ survivors of intimate partner violence (IPV) are less likely to seek help because of concerns about encountering heterosexist, anti-gay, or transphobic responses at the centers that typically assist female victims from heterosexual relationships (NCAVP, 2012; Bornstein et al., 2006). This initial lack of support may discourage some victims from reporting IPV. For example, LGBTQ focus group participants have reported that negative experiences with police officers, the courts, public assistance offices, homeless shelters, schoolteachers, and health care
agents have reduced the likelihood that they will seek protection from and treatment for many types of victimization (Bornstein et al., 2006).

Despite their potentially reduced reliance on police and the courts, LGBTQ individuals have legal recourse against SOV. LGBTQ discrimination is now included in the federal laws that govern the prosecution of hate crimes. In 2009, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which added gender identity and sexual orientation to the existing hate crime laws (Anti-Defamation League, 2009). It was the first type of legislation that included protections for transgender individuals on any level. The ability for state and local agencies to investigate and prosecute bias crime violence was strengthened by the additional 5 million dollars per year of federal support that accompanied the legislation. As a condition of the legislation, FBI officials are required to record and analyze the statistics related to anti-LGBTQ bias crimes. It is hopeful that federal data compilations will be able to supplement the data collected by other agencies that serve LGBTQ and GNC individuals (Anti-Defamation League, 2009).

**Mental Health Outcomes of Antigay and Transphobic Violence and Victimization**

Research demonstrates that youth and adults who identify as either LGBTQ or GNC experience significantly poorer mental health outcomes compared to youth who do not identify as LGBTQ or GNC (Birkett, Espelage, Koenig, 2009; Grossman & D’Augelli, 2006; Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2011). One factor that researchers have attributed as the cause of the mental health disparities between LGBTQ youth and non-LGBTQ youth is bullying and other types of victimization (Almeida et al., 2009; Birkett et al., 2009). Almeida and colleagues (2009) studied the impact of perceived discrimination on a diverse sample of LGBTQ high school students and discovered that LGBTQ-youth scored higher on measures of
depression, suicidal ideation, and self-harm than did non-LGBTQ youth. Research with LGBTQ-identified adults also demonstrates the importance of discrimination on the mental health factors such as stress, depression, and “stigma consciousness” (Lewis, Derlega, Griffin, & Krowinski, 2003). In a sample of heterosexual, bisexual, and gay men, feeling “moderately bad or depressed” was more likely to be associated with suicidal thoughts for the gay and bisexual men than it was for the heterosexual men (Abelson, Lambevski, Crawford, Bartos, & Kippax, 2006). In addition to higher rates of depression, suicidal ideation exists at an alarmingly higher prevalence (two to four times more likely) among LGBTQ youth and adults than it exists with cisgender individuals (Abelson et al., 2006).

**Mental Health of LGBTQ Youth**

A home or family climate that is hostile toward LGBTQ youth also predicts negative mental health outcomes (Grossman & D’Augelli, 2006). Transgender and GNC youth seem to have to an especially difficult time finding safe and supportive housing situations (Grossman & D’Augelli, 2006). In a focus group study with transgender and GNC, youth (aged 15-21), only 50% of participants reported that they were living with a parent or a relative at the time of the study (Grossman & D’Augelli, 2006). Some participants were old enough to obtain an apartment (at least 18 years old) but the remainder of that 50% of participants who were not living with a parent or relative, lived in group homes or selected “other” as their housing situation. Participants provided retrospective accounts of their childhood and adolescent experiences, many of which related to their sexual identities and their gender nonconformity. The youth reported hiding their gender identity and wanting to commit suicide to prevent disappointing their parents by expressing or revealing that their gender identity was different from their sex assigned at birth. During the focus groups, participants reported that they were forced to leave home because
of abuse related to their transgender identity or gender nonconformity. The authors also found a high prevalence of victimization and health issues in the respondents that had experienced homelessness at some point in their youth. Some of the respondents reported that they had engaged in “survival sex” (sex work or prostitution as the only option or last resort) as a source of income or in order to obtain vital resources such as food or shelter (Grossman & D’Augelli, 2006).

Increased media attention on bullying-related suicides in the media has brought emotional support and other resources to aid in the reduction of suicides in the LGBTQ community. In 2010, as a reaction to LGBTQ youth suicides, Dan Savage and Terry Miller founded the “It Gets Better Project.” Savage and Miller recorded a video to LGBTQ youth to send a message of support to bullying victims (It Gets Better Project, 2013). The project’s popularity is evidenced by the 50,000 personally recorded messages from individuals all over the world. Since its inception, the It Gets Better Project expanded to include messages of support to LGBTQ youth as well as messages to the public about the importance of speaking out against LGBTQ-related bullying (It Gets Better Project, 2013).

LGBTQ-related bullying continues to affect school-age children (Kosciw et al., 2012). The most recent statistics from a national sample of LGBTQ youth indicates that almost 85% of LGBTQ youth hear homophobic remarks “frequently or often” (p. xiv), and that homophobic bullying and discrimination is even enacted by teachers and staff members in school systems. In addition to the homophobic comments, negative comments about gender nonconformity or gender presentation were reported by approximately 60% of the survey participants. The survey revealed that between 12-56% of the verbal and physical bullying is targeted toward LGBTQ youths’ nonconforming gender expression. Over 81% of the LGBTQ youth were verbally
harassed, 63% felt unsafe in school, 38% were physically harassed, and 18% were physically assaulted in school because of their sexual orientation. LGBTQ-related bullying is an overwhelming source of distress and victimization for LGBTQ-identified and GNC youth (Kosciw et al., 2012).

**Mental Health of LGBTQ Adults**

Individuals who attempt suicide often cite bullying and harassment as one of the most distressing factors in their lives (SPRC, 2008). Bullying victimization among teenaged youth is associated with an increased risk of negative emotional outcomes, including self-harm and suicide. Within a large sample ($N = 1,032$) of Boston Public School students, LGBTQ identified youth had more depressive symptoms and behaviors than heterosexual, cisgender youth (Almeida et al., 2009). Approximately one-third of the LGBTQ students reported that they experienced discrimination that was based on their actual or perceived sexual orientation while less than one-tenth of heterosexual, cisgender youth reported experiencing sexual orientation based discrimination. The high rates of sexual orientation based discrimination for LGBTQ youth corresponded with higher rates of self-harm (25% vs. 6.3%) and suicidal ideation (23.9% vs. 7.4%) than non-LGBTQ youth. Males who identified as LGBTQ reported experiencing more sexual orientation based discrimination than did LGBTQ females. Almeida and colleagues also reported that LGBTQ-based discrimination increased the likelihood of depressive symptoms such that LGBTQ teens who did not report experiencing discrimination based on sexual orientation had rates of depressive symptoms that were similar to those of cisgender heterosexual students. An interaction emerged where LGBTQ males exhibited more depressive symptomology than cisgender heterosexual males but LGBTQ female victims of LGBTQ-related discrimination reported fewer depressive symptomology than did the cisgender heterosexual
females in the sample (Almeida et al., 2009). This interaction suggests that feminine, GNC
gender presentation (i.e., GNC boys) is associated with negative mental health outcomes. Youth
who are still questioning their sexual orientation have an especially difficult time with school
victimization (Birkett et al., 2009). In addition to the bullying from fellow students, questioning
youth report that their teachers also contributed to the homophobic and transphobic school
climate. Questioning-identified students reported experiencing the most homophobic teasing, as
well as the most general teasing as compared to lesbian, gay, bisexual, or heterosexual cisgender
children. It is likely that the higher levels of teasing led to the higher rates of negative outcomes
including, higher rates of distress, depression, suicidality, drug use, and absences from school
(Birkett et al., 2009).

Negative mental health outcomes for transgender adults can vary according to the
transphobic bullying and victimization that they experienced when they were youth in school
(Grant et al., 2011). An alarming 41% reported having suicidal ideation at least once in their
lifetime. This is approximately 25 times higher than the prevalence of suicidal ideation observed
in the general population (1.6%; Kochneck, Murphy, Anderson & Scott, 2004). In addition to its
effect on suicidality, school victimization is also correlated with higher rates of other negative
mental health outcomes for transgender adults. Transgender individuals who experienced school
victimization were more likely to stay in jobs that they did not want, use drugs or alcohol to cope
with transphobic victimization, and contract HIV than were transgender individuals who did not
report experiencing some form of school victimization (Grant et al., 2011).

Diaz, Ayala, Bein, Henne, and Marin (2001) studied the effect of experiences with
homophobic police officers on bisexual and gay men in three cities: Miami, New York, and Los
Angeles. Police harassment was named as one of the elements of social discrimination that
increased the likelihood of suicidal ideation. Twenty percent of the men surveyed ($N = 912$) reported that they had encountered homophobic police harassment at some point during their life. Of the participants who reported police harassment, the percentage of participants that reported having thoughts about committing suicide within the past month was statistically significantly greater than those who reported that they did not have suicidal thoughts (32% vs. 18%; Diaz et al., 2001).

**Discrimination against LGBTQ in the Justice System**

Minority groups vary in the type of privilege and the degree to which privilege is available to them (Burgess & Borgida, 1999). In the United States, social movements such as the Civil Rights Movement (Klarman, 1994) and the Women’s Rights Movements (Bunch, 1990) consisted of events that led to changes in law and public policy that made it illegal to discriminate against those groups. Historically, the movements have occurred independent of one another but the resulting legislation or policies broadened to include the minority groups for which the movement was started and for those who have been recognized as such in the eye of the populous. Cultural movements toward equality typically persist to make sure that more types of equality and previously invisible aspects of inequality are brought to light (e.g., adding gender identity to hate crime laws). There has been some progress in the fight for LGBTQ civil rights equality; however, some of the cultural movements that invoked policy change and civil rights equalities for ethnic minorities have yet to extend to include LGBTQ individuals (Herek, 2004, 2007). For example, discrimination laws that govern how citizens interact in employment, health care, retail, and housing contexts extends to gender, race, country of origin, and age but many states do not include language that prohibits discrimination against gender identity, gender presentation, or sexual orientation in those same contexts (Herek, 2004).
Social psychological research, advocacy groups, and surveys commissioned by national agencies, public and private, continue to highlight the civil rights disparities between LGBTQ-identified people and people who do not identify as LGBTQ (Grant et al., 2011; Herek, 2004, 2007). The products of these research and advocacy projects are important for understanding the culture in which LGBTQ individuals exist and the disparities that LGBTQ individuals experience compared to those who are not members of this stigmatized group. Some of the more prevalent research topics in LGBTQ discrimination include, gender, biological sex, gender identity, sexual orientation, and gender nonconformity (Herek, 2007; Tomsen & Mason, 2001). While these constructs are interrelated, some or all of those constructs can become confounded in academic and social conversations about LGBTQ rights (Blashill & Powlishta, 2009a). Thus, it is necessary to describe the important details of the variables that influence discrimination to understand the unique experiences of LGBTQ and other gender nonconforming people.

Laws against same-sex intimacy

LGBT citizens have a history of dealing with laws that criminalize or forbid behaviors, sexual and civil, with romantic or sexual partners of their choice (Chauncey, 2004). For many years, sodomy (sexual acts involving anal or oral sex) was banned and punished in the United States of America. By 2002, thirty-six states in the United States had removed sodomy laws from their penal code. Two of the remaining 14 states that still have not repealed sodomy laws, Idaho and Michigan, carried extreme sentences for engaging in consensual sodomy. Idaho had a law that carried up to a life sentence for consensual sodomy. Michigan’s law proscribed a punishment of 15 years to life for “repeat offenders.” In 1999, two gay males in Texas were arrested and convicted of consensual sodomy. After four years, and many Appeals Court appearances, the case was decided by the Nation’s highest court; and, in 2003, a United States
Supreme Court ruling (Lawrence v. Texas, 539 U.S. 558) decriminalized sodomy for all states. Lawrence v. Texas held that criminalizing consensual sodomy took away a citizen’s constitutional “right to liberty and privacy” to engage in “private intimate conduct.” The court stated that this right to liberty and privacy was protected by the 14th Amendment, thereby, striking the punishment of consensual sodomy from states’ laws and decriminalizing the sexual behaviors of its citizens nationwide (Chauncey, 2004; Lawrence v. Texas, 539 U.S. 558, 2003). Despite this ruling, there are still laws that indirectly criminalize same-sex sexual behavior.

Another example of LGBTQ based discrimination in the legal system extends for LGB youth is the form of discriminatory exemptions to statutory rape laws (Higdon, 2009). As ascribed by the “Romeo and Juliet exception,” an adolescent defendant may not be punished nor will charges be placed on their criminal record if they are fewer than three years older and if they are of the opposite sex as the alleged victim (Tex. Penal code ANN. 21.111(a)). By this standard, teens do not receive legal punishment for engaging in consensual, underage sex as long as the act is with a member of the opposite sex. However, teens caught in same-sex sexual activity, with another teen that is close to their age, risk prosecution for statutory rape. The consequences of a statutory rape prosecution are, attorney’s fees, fines, and sex offender registration. Additionally, the way that this law disparately affects LGBTQ teens stigmatizes, not the sexual act, but the same-sex nature of that act (Higdon, 2009). It is through discriminatory applications of the law that courts have negative and well-documented effects of the quality of life of LGBTQ youth (Nadal, Issa, Leon et al., 2011, Wardenski, 2005).

Another attempt to criminalize the sexual behaviors of gay men is the use of bathroom “sting operations” in which police officers arrest gay men that consent to having sex with undercover officers either in a public place (i.e., public restroom) or in a private location
Woods discussed how “gay sting operations” (p. 546) constitute entrapment on the part of the police officers as well as a violation of the arrestee’s 1st (free speech) and 14th (due process of the law) Amendment Rights. As a policy, the enactment of these operations targets only one segment of the population that may be engaging sexual acts in public places. The police do not conduct these same operations targeting non-gay males or any females. This specific type of methodic, legally sanctioned discrimination adds to the incidence of negative legal contact that gay men have with police officers and it has an influence on the gay male community’s perceptions of and interactions with the police force (Woods, 2009). Aside from the criminalization of same-sex sexual behaviors, police officers’ targeted harassment of LGBTQ individuals contributes to the discrimination from the legal system.

Rosen (1981) reviewed the New York Police Department’s (NYPD) harassment of LGBTQ individuals during the twenty-year period between 1960 and 1980. The types of harassment included in the review range from aggressive offensive acts to passive acts that imposed an overall tone of animosity between the LGBTQ community and the NYPD. Rosen explains that LGBTQ individuals’ experiences with the police included misconduct in the form of entrapment, violence, and unlawful arrest or detainment. Other forms of harassment include police officers use of derogatory language when interacting with LGBTQ individuals and regular raids of gay clubs, bars, and other establishments. Through the raids during the 1960s, police were able to arrest hundreds of people (men and women) on sodomy charges. Despite these arrests, the courts did not prosecute the majority of persons detained or arrested for committing consensual sodomy during that twenty-year period (Rosen, 1981).

One disturbing finding is that LGBTQ and questioning (those exploring their sexual orientation or gender identity) youth experience harassment from police officers on the basis of
the youth’s perceived sexual orientation, gender identity, and gender presentation (Himmelstein & Bruckner, 2010; Stoudt et al., 2012). LGBTQ youth are significantly more likely to report arrests and conviction as both juveniles and adults (Himmelstein & Bruckner, 2010). Non-heterosexual male youth are at a higher risk than are heterosexual males for arrest, conviction, school expulsion, and police stops and harassment (Himmelstein & Bruckner, 2010). In a mixed-method study investigating the extent to which NYPD officers interact with the youth of the city, Stoudt, Fine, and Fox (2012) found that LGBTQ respondents were significantly more likely to report having negative experiences with the NYPD than were non-LGBTQ youth. LGBTQ participants reported a spectrum of experiences that were concentrated in the type of negative verbal, physical, and sexual contact that the LGBTQ youth had with police officers. In focus groups, the young LGBTQ participants provided a context in which they communicated that they felt that negative interactions or misconduct by police officers was inevitable (Stoudt et al., 2012). Police harassment among LGBTQ youth may contribute to the decreased likelihood that these youth will seek police help before or after they are victimized.

**Discrimination in Family Court**

LGBTQ and GNC individuals have expressed apprehension about relying on police officers and the courts for protection from discrimination and victimization (Almeida et al., 2009; Goldblum et al., 2012; Stoudt et al., 2012). Some family matters such as marriage, divorce, adoption, and custody proceedings require LGBTQ citizens to interact with the court system. Subsequently, LGBTQ persons endure negative experiences with the family court system solely because some rights are explicitly or implicitly restricted to persons who identify and live as heterosexuals (e.g., marriage). For example, as of December 2013, there were 33 states without marriage equality (Freedom to Marry, 2013). Some states that do not have marriage equality
laws will recognize marriages of same-sex couples that were performed in another state. Other states have extended alternative, less comprehensive, forms of legal recognition to couples seeking to wed. There are privileges and benefits to legal marriage (e.g., tax benefits, insurance benefits, and end-of-life care) and, because same-sex unions are not identical to opposite-sex marriages in much of the country, couples in same-sex unions may not have access to the same rights that are afforded to married, heterosexual couples (Freedom to Marry, 2013). Marriage inequality complicates the division of assets subsequent to a partner’s death or the dissolution of a relationship. In lieu of marriage equality, some same-sex couples have used contracts and contract law to provide and protect privileges that are inherent in marriage by affording power of attorney to the opposite partner (Christensen, 1997). A legal contract, in lieu of a legally recognized “marriage,” can provide some financial relief to surviving partners and divorcees when one partner is transgender and of the same sex as the other partner. Some same-sex couples get married in an area that legally recognizes their marriage but that couple may reside, and begin divorce proceedings, in a state that does not recognize their marriage and, therefore, may not accommodate their divorce (Freedom to Marry, 2013).

As a result, many same-sex couples who want to end their marriages are turning to mediators, as opposed to the courts, to resolve issues that deal with distributing property, spousal support, and child support or custody (Chambers & Polikoff, 2000).

On June 26, 2013, the United States Supreme Court (United States v. Windsor, 570 U.S._____, 2013) found that Section 3 of the Defense of Marriage Act (DOMA; Pub. L. 104-199; 110 Stat. 2419, 1996) was unconstitutional under the right to due process and the 5th Amendment. Section 3 of DOMA states that access to federal benefits (e.g., tax exemptions) and marriage recognition under federal law are restricted to spouses that are in opposite-sex
marriages. The Supreme Court decision was interpreted as a groundbreaking win for the LGBTQ community. On a federal level, it eliminated one of the barriers to marriage equality, “redefined” marriage to include spouses who are of the same-sex, and made available many benefits that were previously reserved only for individuals in opposite-sex marriages. The *U.S. v. Windsor* ruling helps transgender individuals by allowing them to enter a federally recognized marriage before they have had their gender marker changed on identity documents. For instance, a transgender man, who has not changed his legal sex to male, can marry his female partner without concern that the marriage will be subject to federal restrictions related to his legally, female sex status at the time of his marriage to a female. Individual states’ laws continue to govern whether same-sex marriage can be granted or recognized in each state but there is consensus among the LGBTQ advocates that the ruling changes the social and legal climate, which will help bring marriage equality one step closer.

The process through which marriage equality has been attained in some states has come at an emotional cost for some LGB individuals. Rostosky, Riggle, Horne, and Miller (2009) report that when marriage amendments are on the ballot for a state vote, LGB individuals in those states reported experiencing more psychological distress, including higher rates of internalized homophobia, than individuals in states where the marriage equality amendments had already passed or were not up for vote during that time. Riggle, Rostosky, and Horne (2010) also examined relationship status, marriage equality, and psychological distress in same-sex couples. Individuals in committed same-sex relationships, regardless of legal recognition, reported fewer symptoms of psychological distress than did single participants. Additionally, participants who were in legally recognized (e.g., same-sex marriage, domestic partnerships, and civil unions)
relationships with a same-sex partner reported less psychological distress than individuals who were in committed relationships that were not legally recognized (Riggle et al., 2010).

Some scholars have cited that family court does not protect the rights of LGBTQ and non-LGBTQ parents equally (Chambers & Polikoff, 2000; Doskow, 1999). Some LGBTQ individuals have used contracts to approximate legal rights in situations where the law does not protect them. In addition to common obstacles that most parents face in custody battles, LGBTQ parents must also fight stigma (National Center for Lesbian Rights, 2009). Lesbian couples who want to get pregnant may seek a donor father who will not have any subsequent responsibility to the couple or to the child (Doskow, 1999). Some lesbian couples fear that, despite the agreement with the donor father, one of the mothers may lose custody of their child because the one who does not bear the child has no implicit, legal right to custody (Doskow, 1999). Male donor contracts are typically entered into with a man the couple knows and, may fail to eliminate the donor father’s custody rights. The donor may fight to gain custody at some point in that child’s life. These loopholes for fathers to gain custody occur because the court will consider an oral or written contract for the donor father to waive their parental rights only when a doctor has been involved in artificial insemination. In order to prevent any future disputes over donor father custody, some lesbian couples will use one partner’s egg for in-vitro fertilization and have the other partner carry the baby. In those cases, they both have a right to be the child’s legal parent (Doskow, 1999; Johnson v Calvert 851 P.2d 776 Cal. 1993).

Legal rights for biological parents are complicated for LGBTQ individuals but non-biological parents experience similar complications. Some adoption agencies will not allow two unmarried adults to become the legal adoptive guardians of a child (Doskow, 1999). In the case of an unmarried, same-sex couple looking to start a family, only one partner is able to legally
adopt a child. In the event of dissolution of the couple’s relationship, the non-adoptive partner has no legal right to custody. Another example of LGB couples using contracts to govern family issues is *Sporleder v. Hermes* ((In re Z.J.H.) 471 N.W.2d 202, at 211 (Wis. 1991)). Hermes adopted a son under the premise that both partners, Hermes and Sporleder, would act as the boy’s mother. At the time of the adoption, the couple drafted a contract with each other to resolve custody through mediation. They subsequently decided that whoever did not get primary custody, would get “liberal” visitation rights. After the couple separated, Hermes (the boy’s legal adoptive parent) did not uphold the agreement and the couple had to go to family court to settle the visitation matter. In family court, the judge told Sporleder that individuals could not contract a custody arrangement because the court must decide what is in the best interest of the child. Additionally, the judge said that the child’s relationship with Sporleder would “undermine” the child’s relationship with Hermes and therefore, did not award any visitation rights to Sporleder (Doskow, 1999). In terms of current legal restrictions or requirements, many family court issues can only be negotiated through judge-approved contracts.

Many LGBTQ family court litigants must go to court and stand before a judge in order to resolve a custody or spousal support matter. Child custody cases pose precarious legal situations for LGBTQ litigants. There are no juries assigned to child custody cases. As such, parents must rely solely on the discretion of the judge when advocating for custody of their child(ren). LGBTQ parents have reported experiences when they felt there was very little procedural justice in that the judges were biased against them because of their sexual orientation or gender identity (Bagnall, Gallagher, & Goldstein, 1984; Biblarz & Savici, 2010; Flaks, 1994). When a judge assesses the parent’s character and aspects of the parent’s lifestyle that could be considered as not in the best interest of the child, they impose judgment on certain factors that are stigmatized
by society. As a gatekeeper, the judge may decide what factors are relevant to the well being of
the child and some judges have asserted that exposure to the LGBTQ parent’s “alternative”
lifestyle is harmful for children (Flaks, 1994). Therefore, when deciding placement and custody,
some judges have decided that it is in the best interest of the child to live with the parent that is
not LGBTQ (see Flaks, 1994 for a review of legal decisions).

Additionally, visitation rights for parents who identify as LGBTQ are sometimes
restricted so that the parent’s significant other or partner is not allowed to be around the child.
This prevents the LGBTQ-identified parent from spending time with their children and their
partner simultaneously. This visitation restriction also contributes to a dynamic such that the
children are unable to forge a relationship with their parent’s partner because they are not
allowed to be around them (Bagnall et al., 1984; Flaks, 1994).

Typically, a judge assesses parental fitness by evaluating the type of home life that each
parent is able to provide and other environmental influences relevant to the child’s well-being.
Some judges believe that LGBTQ identity, alone, is indicative of parental unfitness. In some
cases, LGBTQ parents consult and pay expert witnesses to testify that the parent’s sexual
orientation or gender identity is not harmful to the child(ren) (Patterson, 2006; Patterson, Greene,
& Herek, 1994). For the cases that are initially lost, the appeals process can be discouraging and
costly for an LGBTQ-identified parent. Some parents have reported taking out loans or filing for
bankruptcy in order to continue the expensive process of ongoing litigation (Doskow, 1999).
Additionally, transgender individuals must often receive a stigmatizing, mental illness diagnosis
of gender dysphoria (previously labeled gender identity disorder (GID)) before a doctor will
prescribe hormone therapy or gender affirmation surgery that can be crucial to their transition.
Some cisgender parents have used this mental illness diagnosis to discredit the transgender
parent or to use it as proof of unfitness. The cisgender parent has also used the courts’
incomplete, and often disputed, definition of sex to invalidate their marriage so that the non-
biological, transgender parent has no legal right to custody over the child(ren) raised during the
marriage.

Some judges have also demonstrated in their rulings that they believe children who are
raised by LGBTQ parents are different from children who are raised by non-LGBTQ parents.
However, social science research indicates that children raised by LGBTQ parents are more
similar than they are dissimilar to children who were raised by non-LGBTQ parents (Flaks,
1994; Herek, 1991). Children with LGBTQ parents are not more likely to grow up to identify as
lesbian, gay, bisexual, or transgender than are children who do not have LGBTQ parents
(Gottman et al., 2003; Tasker & Golombok, 1995). Children of LGBTQ parents are actually
similar to children of non-LGBTQ parents on a number of other qualities. For instance, children
raised by an LGBTQ parent will have good relationships with other children in their peer group
(Golombok, Spencer, & Rutter, 1983), demonstrate normal/average scores on intelligence tests
(Green, Mandel, Hotvedt, Gray, & Smith, 1986), and show appropriate emotional development
(Green et al., 1986) and self-esteem (Huggins, 1989). Perrin and colleagues (2002) reported that
there were no statistically significant differences in the sexual orientation, gender identity, social,
or emotional development of children who were raised by same-sex parents compared to
children that were raised by opposite-sex couples. Other erroneous assumptions that judges have
cited as the deciding factor in their custody rulings are; (a) that the parent or the parent’s partner
will sexually molest the child, (b) that there is an increased risk of HIV transmission from the
parent just by living with or being around the child, or (c) that the child will have impaired
gender identity development and will misconstrue concepts of gender roles (Flaks, 1994).
Psychological research provides parents with resources and evidence of the lack of differences between the parenting styles of LGBTQ and those of non-LGBTQ parents. Social science research has consistently discredited the assumptions made by judges about a parent’s homosexual identity and the impact of that identity on their child (Flaks, 1994). Flaks presented a comprehensive review on the assessments and assumptions that family court judges have made and the scientific evidence that refutes those assumptions. Contrary to some judges’ assumptions, same-sex sexual orientation is not a mental illness (Gonsiorek, 1991), LGBTQ parents do not lack the same motivation, instincts, or skills that non-LGBTQ parents possess (Flaks, Ficher, Masterpasqua, & Joseph, 1995; Patterson, Greene, & Herek, 1994; Pies, 1990), and LGBTQ individuals are no less likely than heterosexuals are to have stable, long lasting, romantic relationships (Golombok et al., 1983; Patterson, 2000; Peplau & Fingerhut, 2007).

Multiple studies report that children who were raised by LGB parents or couples do not differ from children raised by heterosexual parents or couples (Pawelski et al., 2006; Tasker, 2005; Wainwright & Patterson, 2008; Wainwright, Russell, & Patterson, 2004). LGB and non-LGB parents also exhibited similar parenting structures in terms of providing their children with recreational activities, allowing them to have similar levels of autonomy, and the parents demonstrated no significant differences in addressing common parenting problems (Tasker, 2005; Wainwright et al., 2004). Gay fathers were more likely to invest more time in their child’s cognitive development and were more likely to set stricter guidelines for their children’s behavior than were cisgender, heterosexual fathers (Tasker, 2005). Lesbian mothers differed from heterosexual, cisgender mothers in that lesbian mothers demonstrated a stronger commitment to their role as a mother and showed a larger investment in finding male role models for their children. Perrin and colleagues (2002) also found that all of the children were
similar in a number of socio-developmental aspects but, children of same-sex parents showed a greater affinity for diversity and were more nurturing (to other children) than were the children of cisgender, heterosexual parents.

**Measuring Gender Nonconformity**

As previously stated, gender nonconformity is associated with occupational, financial, mental health, and physical health outcomes in the LGBTQ community (Grant et al., 2011). Investigating gender nonconformity as an attenuator of discrimination may help researchers understand the widespread discrimination that affects LGBTQ individuals: gender conforming and GNC alike. Scales that researchers have used to measure gender nonconformity suffer from similar limitations that were caused by the above-mentioned conflation of sexual orientation, gender, and gender presentation.

Gender presentation occurs on an interpersonal level. An individual’s presentation of their sexual or gender identity when they are alone, among family, with friends, or at work may vary according to the valence or connotation of those specific interactions. For example, a MTF individual’s gendered behavior may be more likely to correspond to their birth sex and she may behave in a masculine or androgynous fashion when at work or with family. Likewise, that same MTF’s gendered behavior may be more likely to correspond to her gender identity and she may behave in a feminine manner when she is alone or with friends. Understanding the range of an individual’s gender presentation must be accounted for when evaluating discrimination against gender nonconforming LGBTQ persons.

One method that lay persons use to ascertain or conclude that a person is lesbian, gay, or bisexual is by inferring sexual orientation from the gendered appearance and behaviors of that individual do not conform to traditional gender norms (Blashill & Powlishta, 2009b; Johnson,
Gill, Reichman, & Tassinary, 2007). The colloquial term, “gaydar” (gay + radar), refers to one’s ability to accurately assess the sexual orientation of a stranger (Shelp, 2003). Empirical research on “gaydar” includes showing short video clips of children (Rieger, Linsenmeier, Gygax, & Bailey, 2008) or adults (Rieger et al., 2008; Shelp, 2002) to measure participants’ accuracy in identifying the individual’s future (for children) or current sexual orientation.

Traditionally, researchers used the Bem Sex Role Inventory (BSRI; Bem, 1981) to measure gender nonconformity (Holt & Ellis, 1998). Unfortunately, the BSRI does not measure the same construct that is central to the concept of gender nonconformity among LGBTQ persons. The three factors of the BSRI, femininity, masculinity, and androgyny, measure personality traits, but they do not measure the gender presentation variables (e.g., style of speech) that often lead to the determination of gender conformity/nonconformity. Additionally, as previously mentioned, personal interactions are integral to understanding LGBTQ-based discrimination and victimization and, in order to experience discrimination, one must interact with a person or laws proscribed by people or agencies. Measures of gender nonconformity that lack validity can hamper researchers’ efforts to study GNC-based discrimination.

Two measures of gender conformity that suffer from the same limitations as the BSRI are the Conformity to Masculine Norms Inventory (CMNI; Mahalik et al., 2003) and the Conformity to Feminine Norms Inventory (CFNI; Mahalik et al., 2005). The development of both measures involved focus groups to draw commonly held gender role norms from participants. Subscales for the CFNI include items about participants’ temperament in relationships, body image, modesty, and domestic responsibilities (Mahalik et al., 2003; Mahalik et al., 2005). These items may describe how women feel about their gender presentation but it does not necessarily address the contextual factors such as how others view them or how their gender presentation may vary.
while in the company of certain people. For example, a woman may speak in a more feminine manner when speaking to strangers or acquaintances in formal or public settings than she would in a casual environment with friends where gender conformity may be less important to their interaction.

One other measure that researchers use in the study of gender nonconformity focuses more on the LGBTQ individual’s feelings about themselves, rather than on how they present their gender in their interactions with other people. The Continuous Gender Identity Scale (CGIS, Bailey et al., 1998) employs the scaling of participants’ subjective self-reflective items. The CGIS is useful in assessing an individual’s gender identity, be it masculine, feminine, or androgynous (Bailey et al., 1998). The CGIS could be used to assess someone’s gender nonconformity as it relates to their primary sex characteristics (e.g., genitalia) and identity reconciliation (Bailey et al., 1998). Both, CGIS and BSRI work well for measuring gender identity but they cannot describe or investigate the way that identity manifests in an individual’s presentation of their public and/or social self (Bailey et al., 1998; Bem, 1981).

A recently developed measure of gender nonconformity uses an individual’s self-concept, as well as their self-report of how their gender is presented in different interpersonal contexts (i.e. with family members). The Gender Nonconformity Scale (GNCS; Forbes & Nadal, under review) measures the masculinity and femininity of an individual’s gender nonconformity in terms of how they speak, dress, their hobbies, and their interests. This measure contributes to the ways that gender and gender nonconformity is researched within the social sciences by offering a scale that measures how individuals present their gender identity in different contexts.
Gender Nonconformity and Assertiveness

The pervasiveness of sex differences in assertiveness incited some researchers to ask why these differences exist. A review of meta-analytic research on assertiveness measures explained the sex differences observed in previous research by using social role theory. Social role theory (for a review see, Eagly, Wood, & Diekman, 2000) argues that there are different expectations in social behavior for males and females. Eagly and Wood (1991) believed that these expectations were rooted in the occupational roles for males and females that existed at the time. Additionally, empirical research on gender stereotypes indicate that different social behaviors are expected of men than those that are expected of women (Bem, 1981). These differences highlight the expectations for men to be agentic and for women to behave in communal ways (Burgess & Borgida, 1999; Eagly & Steffen, 1984; Prentice & Carranza, 2002; Rudman & Glick, 2001).

Another assertion of gender-role theory is that the expectations of agentic men and communal women can be tied to the context in which the interactions occur. Eagly and Wood (1991) suggest that certain contexts are more likely than others to make gender norms salient. For instance, in an experiment of helping behavior, researchers discovered that the differences between men and women helping a stranger were larger when bystanders were present than when there was no audience. In that experiment, helping behavior in men increased when there was an audience present than when there were no bystanders. However, helping behavior in females decreased under the same circumstances. This research indicated that gender stereotypes are important to expectations in social situations and that the context of those social situations must be acknowledged as a moderating factor for those expectations (Eagly & Wood, 1991).
Assertiveness

A review of the assertiveness literature provides insight on how researchers have defined and measured assertiveness in mixed-gender and same-gender samples. Most of the authors defined assertiveness as some combination of personal characteristics within a variety of settings (Buhrmester, Furman, Wittenberg, & Reiss, 1988; Kimble, Marsh, & Kiska, 1984). For instance, many measures included self-report items asking about the participant’s willingness or likelihood of expressing anger, love, disappointment, or dissenting opinions; initiating conversations with the opposite sex; and saying no to another individual’s request. These items required participants to rate their assertiveness in various interpersonal contexts such as, with their parents, a significant other, or their employer (Wilson & Gallois, 1985).

Researchers published reports of at least five different measures of assertiveness that were in use between 1970 and 1977 (for a review, see Thompson & Berenbaum, 2011). Despite the variety of measures available for research, the majority of data supported the conclusion that there were sex differences in levels of assertiveness between men and women such that men were higher in assertiveness than were women. The diversity of these measures did, however, result in sex differences for specific types of assertiveness that were unique to each gender. For example, men scored higher than women did on measures of assertiveness with one’s employer. Another form of assertiveness for which men scored higher than women was related to approaching someone of the opposite sex in a social gathering. Females scored higher than males on expressing love, anger, and affection in close personal relationships (Buhrmester et al., 1988).

Some researchers have characterized “getting one’s needs met” as a successful attempt of assertiveness (Thompson & Berenbaum, 2011). Therefore, it is not surprising that assertiveness has evidenced a significant relationship with mental health outcomes (Thompson & Berenbaum,
Individuals who receive the desired outcome from their assertive action are less likely to report negative mental health outcomes (Burkhart, Green, & Harrison, 1979; Thompson & Berenbaum, 2011). Savage, Harley, and Nowak (2005) theorized that attaining empowerment in the context of their job, would lead to having a better self-image and higher self-esteem for LGBTQ individuals and recommended that LGB individuals be counseled on how to assert or empower themselves at their place of employment. For instance, when an LGB individual experiences heterosexism in a professional employment setting, it is important that they adjust zir interaction styles to maintain a positive self-image while also negotiating power and assertiveness with their co-workers or employers (Savage et al., 2005).

Given that the level of assertiveness that is expected from an individual is deeply associated with gender, stereotypes, and situational factors, the expression and tolerance of assertiveness in gender nonconforming individuals is interesting. Expectations of assertiveness in some contexts are associated with masculinity; while, expectations of assertiveness in other contexts are associated with femininity (Eagly & Steffen, 1986; Hess, Bridgwater, Bornstein, & Sweeney, 1980). If men who express their personality in traditionally feminine ways do not assert themselves in contexts in which males are expected to, they may endure negative outcomes compared to masculine men who assert themselves in those same contexts. Following, for cisgender men, gender conformity requires that they dress and behave in traditionally masculine manners in addition to being assertive. Men who are gender conforming in their dress and speech, but are not assertive, are gender nonconforming because of their low level of assertiveness. Conversely, assertive men who present in traditionally gender nonconforming ways (e.g., traditionally feminine) may be more likely to experience negative outcomes because their assertive behavior is incongruent with their feminine gender expression. It is important to
understand if the congruency of individual’s level of assertiveness with their sex as assigned at birth has a stronger effect than the congruency of an individual’s level of assertiveness and their gender presentation. The study of assertiveness in feminine men and masculine women has been largely ignored in empirical research. The expression of assertiveness in individuals who do not conform to the expectations outlined by social role theory can provide additional insight to the existence of sex differences in assertiveness and how those differences can affect personal outcomes for LGBTQ and GNC people.

Summary

The differences in discrimination for LGBTQ individuals versus non-LGBTQ individuals are influenced by the uniqueness and fluidity of gender-related variables that exists with LGBTQ individuals does not exist with non-LGBTQ individuals (Greenberg, 2000). LGBTQ experiences with discrimination have devastating emotional, physical, and financial consequences from childhood through adulthood. The legal system has, in some respects, reinforced a climate of discrimination against LGBTQ individuals by restricting civil rights and failing to uphold the rights and protections that have been made available to LGBTQ populations. Experiences with verbal or physical harassment, housing discrimination, police misconduct and custody revocations and restrictions may have led many LGBTQ individuals to mistrust the court system on which other people rely (Knauer, 2012; Lombardi et al., 2001; Russell et al., 2011). It is important for the courts to accommodate and assist LGBTQ individuals in order to restore a sense of trust and possibly increase the utility of a relationship with the courts for individuals who identify as LGBTQ (Knauer, 2012; Lombardi et al., 2001; Russell et al., 2011).

Distinguishing the differences in outcomes for LGBTQ individuals who are gender
nonconforming versus those who are gender conforming may lead researchers to understand when and why LGBTQ individuals are at risk.

Informing the country of how the LGBTQ community experiences the courts could help researchers and administrators understand where, in the court system, policy reform and enforcement can be most effective. Considering the types of LGBTQ-based discrimination and victimization reviewed above, it is likely that a national sample of LGBTQ individuals would indicate that the majority of the stigmatized population, especially those who are GNC, would report distrust and dissatisfaction with their country’s court systems. By failing to serve the LGBTQ community through laws, law enforcement, and legal resolution, the court system damages this already vulnerable and highly stigmatized group. It is beyond the scope of this project to recommend legislative changes that would eliminate a portion of the impasses that LGBTQ encounter. However, there are laws in place that, pending their enforcement, can help police and judges reduce the harmful discrimination and devastating victimization that seems to dominate the experiences of many LGBTQ individuals. Some of the key concerns and themes in the California Judicial Council’s (2005) report included the need for a demographically diverse population of court personnel, problems with taking a case to court, how to provide residents with information about the courts, and the importance of procedural justice. LGBTQ encounters with the court could improve with the consideration of these themes by court personnel and police officers. A survey of the LGBTQ community could reveal additional themes that are unique to LGBTQ interactions with the courts.
Chapter 3: Study 1 Research Methodology

Participant Recruitment

The main focus of Study 1 was the experiences of LGBTQ individuals. As such, I over-recruited to obtain a sample that was mostly comprised of LGBTQ. Participants were recruited through invitations that were posted on LGBTQ list serves and sent via targeted emails, in-person recruitment, and flyer postings to agencies that provide support services and referral for assistance to LGBTQ individuals. See Appendix B for copy of email invitation and flyers. I created a database that contained email addresses that I had located through websites and online forums. I began my search on the website, www.lgbtcenters.org. This site is sponsored by a non-profit organization, CenterLink, which provides news, resources, and networking for LGBTQ community centers in the United States and Canada. As of August 2013, there were 133 LGBTQ community centers listed in the CenterLink online directory. Many of these organizations refer to themselves as “The Center.” Some of these Centers had their own web pages and some of the Centers only listed contact information for an organizer or member of the LGBTQ community center in that area. I visited the websites and emailed many of the contacts that were listed on the CenterLink website.

These sites yielded contacts to email as well as additional leads to other organizations that would be interested in completing the online survey for this project. I sent emails to any of the activity or advocacy groups that were listed on a local center’s website. For instance, on the website for the Center in Colorado, I found an activity calendar that listed an event for the International Gay Rodeo Association (IGRA). That recruitment lead yielded 78 individuals in that were part of the IGRA or contact persons for the local chapters. In addition to sending recruitment emails, I posted messages list serves that connected communities of LGBTQ
individuals online. In total, I sent approximately 1500 emails and posted to 17 LGBTQ community list servers. Study 1 received IRB approval and data collection began in June 2010, the IRB was renewed again in May 2011 and May 2012, and data collection ended in November 2012. Participants were not offered any compensation for completing the study.

Data Collection and Instrumentation

In addition to the informed consent (see Appendix C) and the debriefing (see Appendix J), the survey consisted of four major sections: survey of court experiences, measures of satisfaction with court experiences, gender presentation scale (GPS), and demographic questionnaire.

Survey of court experiences (SCE). The survey about the participants' experiences with the courts was developed using materials from Phase II of the aforementioned Trust and Confidence in the California State Courts Project (California Judicial Council, 2005). The survey contains questions about the capacity in which the individual participated in court, the individual's interactions with the judge, and, if applicable, experiences with fellow jurors. The survey asked participants to recall hir most memorable court experience and indicate if it was in criminal court, civil court, traffic court, family court, or serving as a juror. Participants were able to describe experiences about one role at a time and were not allowed to describe more than two experiences in each court. The court experience questionnaire contained a maximum of 45 closed-ended items and six open-ended items, which allowed for elaboration of the closed-ended responses. The number of items that participants viewed varied depending on the number of experiences that they had or wanted to share. The SCE addressed individual experiences in a qualitative approach and not as a scale. Therefore, no measure of reliability was reported by the
California Judicial Council (2005), nor is it reported for the present sample. See Appendix D for a copy of the full SCE measure.

**Treatment in court scale (TIC).** Participants answered a self-report measure of the treatment that they believed they received in court. This 5-item, 7-point Likert-type scale ranged from “Completely Disagree” to “Completely Agree” with higher numbers indicating greater agreement. An example of one question on the scales was, “They treated me with dignity.” Participants were then prompted with the question, “Who treated you this way?” and could respond by selecting options such as, “the judge”, “a fellow juror,” and “other court personnel.” The experimenter created this scale by using items from the California Judicial Council’s measure of satisfaction with the courts. Based on the sample in Study 1, Cronbach’s alpha indicated that the TIC had high reliability for the full sample (α = .95), for each of the gender identity subsamples (α = .81), and for each of the sexual orientation subsamples (α ≥ .91). See Appendix E for the full scale and reliability statistics.

**Gender Presentation Scale (GPS).** The Gender Presentation Scale (Forbes & Nadal, under review) is a 16-item self-report measure of gender expression. It is comprised of eight subscales: personality, hobbies and interests, style of speech, style of dress, acquaintances, self, friends, and family. The GPS items are scored on a 7-point semantic differential scale that ranges from 1 (Traditionally Masculine) to 7 (Traditionally Feminine) with higher numbers indicating greater femininity. The midpoint of the scale (4) was labeled, “Neither Traditionally Masculine nor Traditionally Feminine.” The sample from Study 1 demonstrated high reliability for the full scale (α = .98). The Personality subscale (Study 1 α = .97) is comprised four items that ask participants to report how they and others perceive their gender presentation in terms of the participant’s personality. For example, “I feel like co-workers, acquaintances view my
personality as…, and I view my personality as…” The Hobbies and Interests subscale (Study 1 $\alpha = .97$), as well as the Style of Dress (Study 1 $\alpha = .99$), and Style of Speech (Study 1 $\alpha = .98$) were also comprised of four items each. One example of an item from the Hobbies and Interests subscale was, “My family views my hobbies and interests as…” Similarly, an item from the Style of Dress subscale was, “My friends view my style of dress as…,” and an item from the Style of Speech subscale is, “I view my style of speech as…” The reliability scores for the GPS remained high across gender identities (Study 1 $\alpha \geq .87$) and sexual orientations (Study 1 $\alpha \geq .97$). See Appendix G for the full GPS scale and the reliability statistics for each subscale.

In an effort to check the validity of the GPS, I asked participants how they felt about the content of the 16-item measure and if those items could provide adequate information about their gender expression. The item read, “We designed the previous 16 questions to get an idea of how you express different aspects of your gender identity in a variety of settings. How did we do?” Participants responded to the item on a scale of 1 (very bad) to 7 (very good) with higher numbers indicating that the GPS had greater validity. Approximately 71 participants responded to this item with a mean score of 5.35 ($SD = 1.10$), which indicated that participants believed that the GPS provided a fair to good estimate of participants gender identity expression.

**Gender Nonconformity Scale (GNCS)** (Forbes & Nadal, under review). The focus of the dissertation centered around GNC and not on gender presentation. Therefore, we calculated participants’ GNCS scores for use in the linear regression analyses. GNCS scores were calculated using participants’ GPS (Forbes & Nadal, under review) scores. The GPS was oriented such that, higher scores indicate greater femininity for that participant’s gender presentation. Therefore, participants who were born male and who scored high on the GPS (high in femininity) do not present according to the expected norm for their sex (masculine) and, thus,
would be highly gender nonconforming. Participants who were assigned male at birth’s GNCS scores were calculated using their raw GPS scores (GPS = GNCS for males). However, female participants who scored high on the GPS (high in femininity) would be presenting their gender according to the proscribed norms for their natal sex: feminine. Therefore, for females, their GNCS scores could not be equal to their GPS scores (GPS ≠ GNCS for natal females). Thus, in order to calculate the GNCS scores for natal female participants, I reverse-coded their GPS scores such that, low scores on the GPS (low in femininity) would be equal to high scores on the GNCS (high in gender nonconformity). More specifically, if a natal female participant’s GPS score were two, it would convert to a GNCS score of six. I did not calculate gender nonconformity scores for eight genderqueer participants because they did not provide the demographic information necessary to assess their sex and conforming gender presentation. The overall reliability for the gender nonconformity scale in Study 1 was α = .97. Reliabilities were also high for each of the GNCS subscales; including, GNC Personality (α = .94), GNC Hobbies (α = .95), GNC Dress (α = .97), and GNC Speech (α = .97).

**Demographic questionnaire.** Participants were asked to complete eight closed-ended and six open-ended items to describe their identity. These questions were designed to elicit demographic information in a culturally sensitive manner. The closed-ended items asked participants to select their gender identity (male non-trans, female non-trans, MTF, FTM, and none of the above or genderqueer), their sexual orientation (heterosexual, lesbian, gay, bisexual, pansexual, asexual, and queer), the sex that they were assigned at birth (male or female), and their racial or ethnic identity. The open-ended demographic questions allowed participants to elaborate and provide their own labels for their identities. Other demographic items include the participant’s age, race/ethnicity, U.S. citizenship, and, for individuals who identify as anything
other than both heterosexual and cisgender, the age at which they “came out” to themselves and their age when they “came out” to others. In this context, the “came out” item referred to the first time that they came out for any LGBTQ identity.

The demographic analysis provided both a portrait of our sample’s characteristics as well as a binary assessment of whether participants were LGBTQ or not. Participants were coded as non-LGBTQ if their answers satisfied each of the following three criteria: sex and gender were the same, they reported a having a heterosexual sexual orientation identity, and they did not identify as transgender. See Appendix F for demographic questionnaire items.

It is important to note that this self-reported binary assessment of LGBTQ identity (LGBTQ or non-LGBTQ) alone did not provide an estimate of how many GNC individuals participated. The degree to which someone is GNC depends on a number or factors that were first assessed through the Gender Presentation Scale.

**Qualtrics interface.** I created the survey interface using the Qualtrics.com survey builder. Participants were able to skip any questions they did not want to answer. In addition, the survey utilized skip-logic to prevent participants from seeing the parts of the survey that were not applicable to them. For instance, only individuals who identified as LGBTQ viewed the question that asked at what age they came out to themselves. Additionally, only the individuals who identified as transgender were prompted to select one of the three transgender identity options.

**Design Controls**

Previous research that has investigated the differences between LGBTQ and non-LGBTQ individuals report a variety of effect sizes. Three recent meta-analyses (Marshal, Friedman, Stall, & Thompson, 2008, Marshall, Dietz, Friedman et al., 2011; Morrison, Morrison, & Sager, 2004) found effect sizes (Cohen’s d) of .18 when comparing the differences between LGBTQ and non-
LGBTQ participants. Therefore, I expected to observe a small to medium sized effect in Study 1. I conducted a power analysis to assess the minimum sample size required for Study 1. I used an online statistical calculator (Soper, 2013) that calculated an a priori estimate of sample size needed for the regression analysis. I input the anticipated effect size ($f^2$) at .1, which indicates an expectation of a small to medium effect size; next, I entered the desired power level at .8 for three predictors: GNCS, LGBTQ identity, and the interaction term. With the probability level ($\alpha$) set at .05, the calculator recommended a minimum sample size of 99 participants.

**Procedure**

Participants could access the survey on any computer or web-enabled device. The hyperlink for the study led participants to the survey webpage. After clicking the link that they received through one of the distribution methods, participants were directed to the consent form. At the bottom of the form, participants were asked to select one of two options before they were allowed to continue to the survey items: “I understand my rights and I am ready to begin the survey” or “I do not wish to complete the survey at this time.” Participants who elected to complete the survey were guided to the answers on each item block in the following order: SCE, treatment in court scale, GPS, demographic items, validity question, and debriefing form. Each block of items remained in the same above-listed order for each participant. However, the items within the TIC scale and the GPS were randomized. Qualtrics converts participants’ responses to an SPSS data file. I exported the final data set from the Qualtrics website directly into SPSS Version 19.

**Hypotheses**

Study 1 sought to identify predictors of treatment in court (TIC) scores for LGBTQ and non-LGBTQ participants using demographic variables. Specifically, I wanted to evaluate the
effect of gender nonconformity and LGBTQ identity on individuals’ ratings of their treatment and experiences in court.

**Hypothesis 1.1**

Participants who are LGBTQ-identified will score lower on both the treatment in court scale and the procedural justice scale than individuals who do not identify as lesbian, gay, bisexual, transgender, or queer.

**Hypothesis 1.2**

High scores on the gender non-conformity scale will be associated with low scores on the TIC scale. In other words, gender non-conforming (i.e., feminine natal males or masculine natal females) participants will be more likely to report having negative experiences in the courts than will gender conforming individuals.

**Hypothesis 1.3**

Gender nonconformity will moderate the relationship between LGBTQ-identity and negative experiences in the courts such that, LGBTQ individuals who are high in gender nonconformity will be more likely to report negative court experiences than gender conforming LGBTQ individuals are.

**Data Analysis**

Hypothesis 1.1 sought to determine if differences between LGBTQ and non-LGBTQ individuals reported treatment in court (TIC) scores were statistically significant. This research question involved the measurement of a continuous outcome variable (treatment in court) using a categorical predictor (LGBTQ identity). A one-way analysis of variance (ANOVA) allowed for the testing of statistically significant differences between the mean TIC scores of LGBTQ participants and of the non-LGBTQ participants.
Figure 1. Line graph illustrating the Study 1 hypothesis for the effects of the GNC x LGBTQ interaction on treatment in court scores.

Hypothesis 1.2 required that I conduct a linear regression using two continuous variables: the predictor variable, Gender Nonconformity Scale (GNCS) score; and the outcome variable, TIC.

Hypothesis 1.3 required that I conduct a multiple regression that included the TIC outcome variable and three predictors: LGBTQ identity, GNCS scores, and an LGBTQ identity by GNCS interaction term. The categorical measure of LGBTQ identity (LGBTQ vs. non-LGBTQ) was converted into a “continuous” predictor that could be entered in a multiple regression. This was done by coding LGBTQ identity as 1 and non-LGBTQ identity as 0.

The standardization of variables is recommended to correct for problems with model fit that can make it difficult to interpret and generalize the results from small samples to the population of interest (Aiken & West, 1991). Therefore, I created z-scores for both LGBTQ
identity and GNCS scores by centering their mean to zero and making the standard deviation equal to one.

I created the third predictor, an interaction term labeled, “LGBTQ x GNCS” by multiplying the standardized values of LGBTQ identity and GNCS scores. I entered three predictor variables into a hierarchical linear regression in three steps. LGBTQ identity was entered as an independent variable in the first step, in second step of the regression, GNC identity was entered, and in the third step, I entered the LGBTQ x GNCS interaction term.
Chapter 4: Study 1 Results

Organization of Data Analysis

These results include the Gender Presentation Scale (GPS), the Gender Nonconformity Scale (GNCS), and the Treatment in Court (TIC) measure. The review of Study 1 in this chapter follows the following format: first, an overview of participant demographics; including, participants’ gender, sexual orientation, race identity, and treatment in court. Second, I review the results for participants’ mean scores on the GPS, GNCS, and TIC. Third, I report the correlation statistics among dependent and independent measures. Fourth, I review the results of one-way ANOVAs analyzing the effect of LGBTQ identity on GNC and TIC scores. Finally, I discuss the multiple regression analysis that helped to explain the results of the two-way interaction predictions for Study 1.

Sample Demographics

Two hundred and fifty-eight participants completed the survey. Five participants identified as having neither a male nor female gender identity and did not disclose their sex. The nature of the data analyses required that I assess each participant’s level of gender nonconformity. Without data on participants’ gender identity or natal sex, I could not calculate these participants’ gender nonconformity score. Therefore, the participants who did not provide this necessary information are not included in the following description of participant demographics. For example, the three intersex participants were not included in the analysis. Of the remaining 253 participants, 198 participants reported having a court experience of some kind. Fifty-five participants reported going to court in some capacity but did not rate their experiences in court on the TIC scale rendering their data incompatible with the planned data analysis. Upon review, I discovered that the majority of the individuals who decided not to rate their experience
had their court experience in traffic court, which may involve less interaction with court officers, jurors, or judges than would experiences as jurors, witnesses, parents, victims, defendants, or spouses. The outcome variable of interest was reliant upon participants’ ratings of their court experiences. Therefore, the following analysis of Study 1 included 198 participants who reported their sex and completed the TIC. One hundred and fifty-nine participants (80.3%) in the final sample identified as lesbian, gay, bisexual, genderqueer, transgender, or labeled their sexual orientation as queer.

The participants’ ages ranged from 22 to 81 with a mean age of 44.53 ($SD = 13.72$). The majority of the participants identified as White American ($n = 135; 68.2\%$) followed by African American ($n = 35; 17.7\%$), 10 participants who chose to describe their ethnic identity in their own words (5.1\%), Latino/a American (5.1\%), and 8 participants who identified as Asian American (see Figure 1 for racial/ethnic identity percentages). An example of an “other or self-identify” response is, “White and Amerindian.”

Approximately half of the sample identified as cisgender female ($n = 102; 51.5\%$), followed by cisgender male ($n = 71; 35.9\%$), and 25 participants (12.6\%) identified as transgender or genderqueer. I discerned, through their closed- and open-ended responses that 13 of the trans- or queer-identified participants (6.6\%) were FTM, 12 (6.1\%) were MTF, and 2 participants identified as genderqueer (1.0\%). For example, as one participant wrote selected male as their birth-assigned sex and explained their transgender identity as, “I am a woman who was born in the wrong body.” That participant’s gender identity was coded as MTF (see Figure 2 for gender identity percentages).
In terms of sexual orientation, \( n = 100 \) participants identified as gay males or lesbians, \( n = 46 \) identified as heterosexual \( n = 38 \) self-identified or identified as queer, and \( n = 14 \) identified as bisexual (see Figure 3 for percentages). Participants that identified as LGBTQ reported the age at which they “came out” to themselves \( (M = 18.26, SD = 8.57; n = 139) \) and the age at which they “came out” to others \( (M = 22.07, SD = 10.33; n = 137) \). Two participants reported coming out to self but did not report the age at which they came out to others. Nineteen LGBTQ participants reported neither the age that they came out themselves nor the age at which they came out to others.

Participants reported the role in court for which they would rate their court experiences. Forty-six (23.2\%) participants reported “Other” for their court experience. One hundred fifty-two participants (76.7\%) of participants reported having one of the following court experiences: juror in a criminal court case \( (n = 27) \), spouse or partner in a divorce case \( (n = 24) \), juror in a civil court case \( (n = 21) \), defendant in a criminal court case \( (n = 18) \), victim in a criminal court case \( (n = 13) \), witness in a civil court case \( (n = 8) \), juror on a grand jury \( (n = 3) \), defendant in a civil court case \( (n = 9) \), plaintiff in a civil court case \( (n = 12) \), guardian or parent in a family court case \( (n = 12) \), witness in a criminal case \( (n = 4) \), witness in a criminal court case, and a minor in a family court case \( (n = 1) \).

**Descriptives and Correlations**

Gender Presentation Scale (GPS) and 8 GPS Subscales. The mean of GPS scores indicated that the distribution of gender presentation was normally distributed \( (M = 3.91, SD = 1.74) \). As expected, the gender presentation scale and each of its eight subscales had strong positive correlations with each other, \( r (198) \geq .74 \). See Table 1 for correlation coefficients.
Gender Nonconformity Scale (GNCS) and 8 subscales

As previously stated, participants’ gender nonconformity scores were calculated by reverse coding GPS scores for women and FTM participants. Male and MTF participants’ gender nonconformity scores were identical to their GPS scores. On average, GNCS scores were low \( (M = 3.17, SD = 1.50) \) and, in contrast to the GPS scores, the distribution of scores on the GNCS were positively skewed \( (SK = .52, SES = .17) \). This skewness was not surprising. It is expected that gender nonconformity, even in an LGBTQ sample, would occur at moderate to low levels in the general population.

Table 1 contains the means and standard deviations for the full GNC scale and each of the eight subscales (GNC Family, GNC Acquaintance, GNC Self, GNC Friends, GNC Personality, GNC Hobbies, GNC Dress, and GNC Speech). The gender nonconformity scale and each of its eight subscale demonstrated strong positive correlations with each other, \( r (198) \geq .69 \). There were no statistically significant correlations between the GPS scores and the GNCS scores (see Table 1 for correlation coefficients).

Treatment in court (TIC) scale

Overall, participants reported having moderately positive experiences in court \( (M = 4.94, SD = 1.70) \), which produced a skewed distribution of TIC scores. The TIC scale was not statistically significantly correlated with any of the GPS scales. However, TIC had a statistically significant negative correlation at with the full GNC scale, as well as with the GNC Speech, GNC Family, GNC Acquaintances, and GNC Friends scales. Four other GNC subscales (GNC Self, GNC Style of Dress, and GNC Personality) were not statistically significant. See Table 1 for correlation coefficients.
Table 1
Summary of Intercorrelations, Means, and Standard Deviations for GPS, GNCS, and TIC (Study 1)

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<td>1.43</td>
<td>1.51</td>
<td>1.55</td>
<td>1.69</td>
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</table>

*Statistically significant at \( p < .05 \). **Statistically significant at \( p < .01 \). Note: \( n = 198 \)
Figure 2. Bar graph showing mean treatment in court scores according to participants’ reported role in court (N = 198).

**One-Way ANOVAs**

A series of one-way analyses of variance (ANOVA) indicated a statistically significant difference in GPS scores between groups for gender identity, sexual orientation, and racial or ethnic identity. For the GNCS scores, there were statistically significant differences between groups for LGBTQ identity, gender identity, and sexual orientation. Ruxton and Beauchamp (2008) and Wilcox (1987) recommend that, in cases where group variances are unequal, and where group sample sizes are unequal, a robust post-hoc test of pairwise mean comparisons should be conducted. For the purposes of this research, where indicated, if a Brown-Forsythe test...
indicated unequal error variances between groups, then a Games-Howell post-hoc analysis was used to assess the significance of pairwise comparisons.

Gender Presentation Scale (GPS). Participants’ GPS scores were not affected by participants’ LGBTQ identification, $F(1, 196) = 2.54, p = .11$. A Cohen’s $d$ of .25 indicated a small to moderate practical significance. This finding indicates that the non-LGBTQ group (which consisted of both cisgender males and cisgender females), did not present as more feminine or more masculine than the LGBTQ group in their personality, $F(1, 196) = 1.84, p = .17$, $d = .20$; hobbies, $F(1, 194) = 2.29, p = .13$, $d = .23$; dress, $F(1, 196) = 3.08, p = .08$, $d = .29$; or speech, $F(1, 196) = 1.56, p = .21$, $d = .19$. LGBTQ identity also did not affect participants’ scores on the audience subscales of the GPS: acquaintances, $F(1, 196) = 2.07, p = .15$, $d = .22$; self, $F(1, 196) = 2.97, p = .08$, $d = .27$; friends, $F(1, 196) = 2.06, p = .15$, $d = .22$; and family, $F(1, 196) = 2.87, p = .09$, $d = .26$, as the people that did not identify as LGBTQ. See Table 2 for group means and standard deviations.

Participants’ sexual orientation was associated with statistically significant differences in GPS scores, $F(3, 194) = 5.82, p < .01$, $\eta^2_p = .08$. Additionally, there were statistically significant difference in the GPS subscale scores according to participants sexual orientation identity:

<table>
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<tr>
<th>Subscale</th>
<th>$F$</th>
<th>$p$</th>
<th>$\eta^2_p$</th>
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<tr>
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<td>.05</td>
<td>.04</td>
</tr>
<tr>
<td>Dress</td>
<td>6.91</td>
<td>&lt; .01</td>
<td>.09</td>
</tr>
<tr>
<td>Speech</td>
<td>5.53</td>
<td>&lt; .01</td>
<td>.08</td>
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<td>Friends</td>
<td>5.22</td>
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<td>.08</td>
</tr>
<tr>
<td>Family</td>
<td>5.90</td>
<td>&lt; .01</td>
<td>.07</td>
</tr>
<tr>
<td>Self</td>
<td>5.95</td>
<td>&lt; .01</td>
<td>.08</td>
</tr>
<tr>
<td>Acquaintances</td>
<td>5.78</td>
<td>&lt; .01</td>
<td>.08</td>
</tr>
</tbody>
</table>
Table 2

Study 1 Mean Scores on GPS According to Sex and LGBTQ Identity (Standard Deviations in Parentheses)

<table>
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<tr>
<th>Scale</th>
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<th>Nata</th>
<th>Nata</th>
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<tbody>
<tr>
<td></td>
<td>n = 159</td>
<td>n = 39</td>
<td>n = 115</td>
<td>n = 83</td>
</tr>
<tr>
<td>GPS</td>
<td>3.79 (1.54)</td>
<td>4.29 (2.35)</td>
<td>4.68 (1.44)</td>
<td>2.80 (1.49)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>3.91 (1.70)</td>
<td>4.37 (2.62)</td>
<td>4.86 (1.58)</td>
<td>2.81 (1.70)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>3.85 (1.36)</td>
<td>4.28 (2.21)</td>
<td>4.48 (1.44)</td>
<td>3.19 (1.42)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>3.60 (2.05)</td>
<td>4.28 (2.54)</td>
<td>4.64 (1.91)</td>
<td>2.48 (1.86)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>3.81 (1.63)</td>
<td>4.21 (2.42)</td>
<td>4.74 (1.41)</td>
<td>2.72 (1.64)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>3.79 (1.63)</td>
<td>4.25 (2.40)</td>
<td>4.71 (1.53)</td>
<td>2.73 (1.53)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>3.83 (1.50)</td>
<td>4.35 (2.27)</td>
<td>4.70 (1.38)</td>
<td>2.87 (1.47)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>3.82 (1.56)</td>
<td>4.27 (2.38)</td>
<td>4.69 (1.47)</td>
<td>2.83 (1.53)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>3.74 (1.58)</td>
<td>4.27 (2.38)</td>
<td>4.62 (1.51)</td>
<td>2.77 (1.55)</td>
</tr>
</tbody>
</table>

Note. Maximum score = 7. N = 198

A Brown-Forsythe test indicated that there were unequal variances between the groups. Therefore, following the procedure recommended by Ruxton (2008), a Games-Howell post-hoc test was conducted to assess whether any pairwise comparisons were statistically significant.

Overall, according to the Games-Howell post-hoc analysis, the bisexual participants presented statistically significantly less femininely than the lesbian/gay ($MD = - .96$, 95% CI [-1.82, -.10], $p < .05$, $d = .77$), heterosexual ($MD = - 1.85$, 95% CI [-3.00, -.71], $p < .05$, $d = 1.06$), and queer-identified ($MD = - 1.50$, 95% CI [-2.51, -.49], $p < .05$, $d = 1.13$) participants on the GPS.
The eight gender presentation subscales also evidenced statistically significant differences according to sexual orientation. See Table 3 for means and standard deviations.

*Table 3*

**Study 1 Mean GPS and GPS Subscale Scores as a Function of Participant Sexual Orientation Identity (Standard Deviations in Parentheses)**

<table>
<thead>
<tr>
<th>Scale</th>
<th>Sexual Orientation Identity</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Gay/Lesbian n = 100</td>
<td>Heterosexual n = 46</td>
<td>Bisexual n = 14</td>
<td>Queer n = 38</td>
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<tr>
<td>GPS</td>
<td>3.65 (1.44)^b</td>
<td>4.54 (2.25)^b</td>
<td>2.68 (1.02)^a</td>
<td>4.19 (1.59)^b</td>
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<tr>
<td>GPS Personality</td>
<td>3.76 (1.60)^b</td>
<td>4.69 (2.52)^b</td>
<td>2.67 (1.17)^a</td>
<td>4.28 (1.72)^b</td>
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</tr>
<tr>
<td>GPS Hobbies</td>
<td>3.79 (1.35)</td>
<td>4.36 (2.08)^b</td>
<td>3.21 (1.06)</td>
<td>4.09 (1.41)</td>
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</tr>
<tr>
<td>GPS Dress</td>
<td>3.31 (1.90)</td>
<td>4.69 (2.53)^a,b</td>
<td>2.48 (1.59)</td>
<td>4.17 (2.04)</td>
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</tr>
<tr>
<td>GPS Speech</td>
<td>3.74 (1.54)^b</td>
<td>4.41 (2.36)</td>
<td>2.37 (1.07)^a</td>
<td>4.21 (1.58)</td>
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<tr>
<td>GPS Acquaint</td>
<td>3.65 (1.54)^b</td>
<td>4.51 (2.30)^b</td>
<td>2.53 (.92)^a</td>
<td>4.22 (1.71)^b</td>
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<tr>
<td>GPS Self</td>
<td>3.65 (1.40)^b</td>
<td>4.59 (2.18)</td>
<td>2.91 (1.20)^a</td>
<td>4.26 (1.52)</td>
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<tr>
<td>GPS Friends</td>
<td>3.66 (1.45)</td>
<td>4.53 (2.28)^b</td>
<td>2.80 (1.09)</td>
<td>4.24 (1.64)^b</td>
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<tr>
<td>GPS Family</td>
<td>3.64 (1.48)^b</td>
<td>4.53 (2.29)^b</td>
<td>2.50 (1.08)</td>
<td>4.02 (1.67)^b</td>
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</tbody>
</table>

^a^ Difference from gay/lesbian is statistically significant at *p* < .05.

^b^ Difference from bi/pansexual is statistically significant at *p* < .05.

*Note.* *N* = 198.

As expected, a one-way ANOVA showed a statistically significant difference in GPS scores according to participants’ gender identity, *F*(4, 194) = 86.23, *p* < .001, η² = .56. Again, the results from a Brown-Forsythe test of error variances indicated that a Games-Howell test was
recommended to assess the difference in GPS scores between gender identities. Cisgender female participants exhibited statistically significantly higher feminine gender presentation than the cisgender male ($MD = 2.60, 95\% CI [2.13, 3.07], p < .05, d = 2.29$), and FTM ($MD = 2.33, 95\% CI [1.51, 3.16], p < .05, d = 2.12$) participants. MTF participants were also statistically significantly higher in gender presentation than the cisgender male ($MD = 3.31, 95\% CI [2.11, 4.52], p < .05, d = 3.19$) and the FTM ($MD = 3.05, 95\% CI [1.74, 4.52], p < .05, d = 3.04$) participants. The MTF participants’ scores on the full GPS were not statistically significantly different from cisgender female participants’ scores. Likewise, the FTM and cisgender male participants’ scores on the full GPS were not statistically significantly different from each other. Queer-identified participants’ GPS scores were not statistically significantly different from MTF, FTM, cisgender male, or cisgender female participants. See Table 4 for means and standard deviations.

Participants also exhibited statistically significant differences according to gender identity in their scores for each of the four components of their gender presentation subscales: Personality, $F(4, 193) = 64.83, p < .01, \eta^2_p = .57$; Hobbies and Interests, $F(4, 193) = 21.25, p < .01, \eta^2_p = .03$; Style of Dress, $F(4, 193) = 63.68, p < .01, \eta^2_p = .57$; and Style of Speech, $F(4, 193) = 67.69, p < .01, \eta^2_p = .51$. Games-Howell post-hoc analysis was conducted to assess the difference in GPS scores between gender identities. Again, cisgender female and MTF participants exhibited scores that indicated statistically significantly higher feminine gender presentation than the scores of participants who identified as cisgender male or FTM. FTM and cisgender males’ scores were not statistically significantly different from each other. Similarly, MTF and cisgender females’ scores were not statistically significantly different from each other. Queer-identified participants’ GPS scores were not statistically significantly different from FTM,
MTF, cisgender male, or cisgender female participants’ scores. See Table 4 for means and standard deviations.

Table 4

Study 1 Mean Scores on GPS According to Gender Identity (Standard Deviations in Parentheses)

<table>
<thead>
<tr>
<th>Scale</th>
<th>Gender Identity</th>
<th>Cis Male n = 71</th>
<th>Cis Female n = 102</th>
<th>FTM n = 13</th>
<th>MTF n = 10</th>
<th>Genderqueer n = 2</th>
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<tbody>
<tr>
<td>GPS</td>
<td></td>
<td>2.34 (.95)</td>
<td>4.94 (1.28)a,b</td>
<td>4.21 (.88)</td>
<td>5.66 (1.11)a,b</td>
<td>4.71 (2.16)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td></td>
<td>2.28 (1.08)</td>
<td>5.15 (1.41)a,b</td>
<td>2.61 (.88)</td>
<td>6.07 (1.04)a,b</td>
<td>5.25 (2.47)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td></td>
<td>2.92 (1.28)</td>
<td>4.76 (1.38)a,b</td>
<td>2.96 (.98)</td>
<td>4.77 (1.32)a,b</td>
<td>4.62 (1.23)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td></td>
<td>1.88 (1.07)</td>
<td>5.00 (1.69)a,b</td>
<td>1.78 (.72)</td>
<td>6.37 (1.25)a,b</td>
<td>4.25 (2.82)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td></td>
<td>2.28 (1.16)</td>
<td>4.95 (1.29)a,b</td>
<td>3.07 (1.23)</td>
<td>5.42 (1.74)a,b</td>
<td>4.75 (2.12)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td></td>
<td>2.27 (1.01)</td>
<td>4.98 (1.36)a,b</td>
<td>2.59 (1.05)</td>
<td>5.50 (1.25)a,b</td>
<td>5.00 (1.76)</td>
</tr>
<tr>
<td>GPS Self</td>
<td></td>
<td>2.43 (.96)</td>
<td>4.96 (1.22)a,b</td>
<td>2.67 (.81)</td>
<td>5.75 (1.06)a,b</td>
<td>4.00 (2.12)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td></td>
<td>2.36 (.97)</td>
<td>4.97 (1.29)a,b</td>
<td>2.52 (.84)</td>
<td>5.70 (1.10)a,b</td>
<td>5.00 (2.82)</td>
</tr>
<tr>
<td>GPS Family</td>
<td></td>
<td>2.30 (1.03)</td>
<td>4.87 (1.39)a,b</td>
<td>2.65 (.91)</td>
<td>5.65 (1.14)a,b</td>
<td>4.87 (1.94)</td>
</tr>
</tbody>
</table>

a Difference from cisgender males is statistically significant at p < .05.
b Difference from FTM is statistically significant at p < .05.

Note. N = 198.

There were statistically significant differences for each of the audiences for their gender presentation: Acquaintances, $F(3, 194) = 59.58$, $p < .01$, $\eta^2_p = .55$; Self, $F(3, 194) = 65.06$, $p < .01$, $\eta^2_p = .57$; Friends, $F(3, 194) = 52.99$, $p < .01$, $\eta^2_p = .56$; and Family, $F(3, 194) = 53.60$, $p < .01$, $\eta^2_p = .52$. Games-Howell indicated that the pattern of differences between gender identities
on each of the eight subscales were identical to the one observed for the full GPS scale such that, regardless of gender identity, female-identified participants’ GPS scores indicated higher feminine gender presentation than did the scores of male-identified participants. See Table 4 for mean difference statistics.

There were statistically significant differences between race identities for GPS, $F(4, 193) = 4.12, p < .01, \eta^2_p = .08$; and GPS subscale scores. A Games-Howell post hoc analysis of mean differences indicated that the Asian American participants were significantly more masculine than African American, White America, and Latino/a participants. It is important to note, however, that 87.5% ($n = 7$) of the Asian American participants identified as male. Thus, the significant differences between ethnicities are more likely a function of the lack of variability in gender identity for the Asian American participants than of any actual differences in femininity between Asian Americans and other ethnicities. Individuals who had a self-identified ethnicity did not differ significantly from the Asian American or any of the other ethnicities in their GPS scores. See Table 5 for group means and standard deviations.

**Gender Nonconformity Scale (GNCS)**

As expected, the LGBTQ group reported higher levels of gender nonconformity ($M = 3.39, SD = 1.43$) than the non-LGTBQ participants did ($M = 1.89, SD = 1.04$) on the full GNCS, $F(1, 77.38) = 54.90, p < .01, d = 1.19$. Levene’s test revealed that the error variances for the GNCS were statistically significantly different between the LGBTQ and non-LGBTQ participants. Therefore, I used a robust test of equality of means that corrects for differential sample sizes and unequal variances in ANOVA analyses. The Brown-Forsythe statistic indicated that LGBTQ participants also scored statistically significantly higher in GNC than non-LGBTQ participants on each of the gender nonconformity subscales: GNC Personality, $F(1,78.43) =$
59.51, $p < .01$, $d = 1.29$; GNC Hobbies, $F(1, 55.29) = 29.24$, $p < .01$, $d = .98$; GNC Dress, $F(1, 92.68) = 36.25$, $p < .01$, $d = .92$; and GNC Speech, $F(1, 72.73) = 42.72$, $p < .01$, $d = 1.07$. This pattern of statistical significance was also consistent for each of the audience subscales, including GNC Acquaintances, $F(1, 76.51) = 46.23$, $p < .01$, $d = 1.01$; GNC Self, $F(1, 76.33) = 52.64$, $p < .01$, $d = 1.17$; GNC Friends, $F(1, 79.25) = 58.21$, $p < .01$, $d = 1.22$; and GNC Family, $F(1, 79.28) = 54.95$, $p < .01$, $d = 1.18$. See Table 6 for means and standard deviations.

Table 5

Study 1 Mean GPS and GPS Subscale Scores as a Function of Participant Racial Identity

*(Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Racial Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Asian American</td>
</tr>
<tr>
<td></td>
<td>$n = 8$</td>
</tr>
<tr>
<td>GPS</td>
<td>2.25 (1.03)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>2.28 (.95)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>2.47 (.99)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>2.00 (1.37)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>2.25 (1.37)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>2.37 (1.01)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>2.03 (1.17)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>2.09 (1.05)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>2.50 (1.13)</td>
</tr>
</tbody>
</table>

$^a$ Difference from Asian Americans is statistically significant at $p < .05$. 
Table 6

*Study 1 Mean Scores on GNCS, GNCS Subscales, and TIC According to Sex and LGBTQ Identity (Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>LGBTQ Identity</th>
<th>Natal Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LGBTQ</td>
<td>Non-LGBTQ</td>
</tr>
<tr>
<td>GNCS</td>
<td>3.39 (1.43)</td>
<td>1.89 (1.04)*</td>
</tr>
<tr>
<td>GNC Personality</td>
<td>3.32 (1.57)</td>
<td>1.63 (1.12)*</td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>3.64 (1.32)</td>
<td>2.29 (1.42)*</td>
</tr>
<tr>
<td>GNC Dress</td>
<td>3.28 (1.96)</td>
<td>1.78 (1.22)*</td>
</tr>
<tr>
<td>GNC Speech</td>
<td>3.31 (1.49)</td>
<td>1.88 (1.15)*</td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>3.34 (1.51)</td>
<td>1.88 (1.11)*</td>
</tr>
<tr>
<td>GNC Self</td>
<td>3.39 (1.38)</td>
<td>1.96 (1.02)*</td>
</tr>
<tr>
<td>GNC Friends</td>
<td>3.41 (1.45)</td>
<td>1.86 (1.03)*</td>
</tr>
<tr>
<td>GNC Family</td>
<td>3.42 (1.50)</td>
<td>1.87 (1.07)*</td>
</tr>
<tr>
<td>TIC</td>
<td>4.83 (1.73)</td>
<td>5.35 (1.44)</td>
</tr>
</tbody>
</table>

* Difference from LGBTQ is statistically significant at $p < .001$.

$N = 198$

Participants demonstrated differences in their overall gender nonconformity according to their sexual orientation, Brown-Forsythe $F(3,74.27) = 4.51, p < .01, \eta^2_p = .08$. I also observed statistically significant differences between sexual orientation for each of the GNC subscales: GNC personality, $F(3, 78.81) = 3.96, p < .01, \eta^2_p = .07$; GNC hobbies and interests, $F(3, 106.07) = 7.56, p < .01, \eta^2_p = .10$; and GNC speech, $F(3, 58.84) = 3.89, p < .01, \eta^2_p = .07$. There were no significant differences in participants style of dress scores according to sexual orientation, GNC dress, $F(3, 73.12) = 2.15, p > .05, \eta^2_p = .03$. 
Games-Howell post-hoc revealed that heterosexual participants’ presented with GNCS scores that were statistically significantly lower than the GNCS scores for the bisexual participants \( (MD = -1.66, 95\% CI [-3.23, -0.9], p < .05, d = .96) \). Heterosexual participants also presented with scores significantly lower than bisexual participants on the GNC Personality \( (MD = -1.66, 95\% CI [-3.11, -0.21], p < .05, d = .87) \), GNC Hobbies \( (MD = -1.85, 95\% CI [-2.95, -0.74], p < .05, d = 1.27) \), GNC Acquaintances \( (MD = -1.78, 95\% CI [-3.28, -0.28], p < .05, d = 1.00) \), GNC Self \( (MD = -1.44, 95\% CI [-2.85, -0.02], p < .05, d = 1.00) \), GNC Friends \( (MD = -1.63, 95\% CI [-3.06, -0.21], p < .05, d = .95) \), and GNC Family \( (MD = -1.78, 95\% CI [-3.37, -0.20], p < .05, d = .97) \). Bisexual participants presented significantly higher GNC Hobbies scores than gay/lesbian \( (MD = 1.02, 95\% CI [0.03, 2.02], p < .05, d = .79) \) and queer identified participants \( (MD = 1.07, 95\% CI [0.01, 2.14], p < .05, d = .63) \). There were no other significant differences in GNCS or GNC subscales between sexual orientation groups. See Table 7 for means and standard deviations.

A test of homogeneity of variances indicated that the error variances between gender identity groups were statistically significantly different on seven of the GNCS measures. Therefore, for those measures, I report the Brown-Forsythe robust test of equality of means. There were significant differences in GNCS scores according to participants’ gender identity, \( F(4, 2.64) = 21.01, p < .05, \eta^2_p = .41 \). Additionally, gender identity was associated with statistically significant differences between participants for GNC Hobbies, \( F(4, 13.67) = 12.02, p < .01, \eta^2_p = .18 \); GNC Dress, \( F(4, 2.30) = 28.16, p < .05, \eta^2_p = .46 \); and GNC speech, \( F(4, 5.22) = 14.30, p < .01, \eta^2_p = .32 \); GNC Acquaintances, \( F(4, 5.20) = 25.72, p < .05, \eta^2_p = .39 \); GNC Self, \( F(4, 2.79) = 22.51, p < .05, \eta^2_p = .41 \); and GNC Family, \( F(4, 2.86) = 20.27, p < .05, \eta^2_p = .37 \). There were no statistically significant differences between gender identities on the GNC
Personality, \( F(4, 1.93) = 17.25, p > .05, \eta^2_p = .40 \) or GNC Friends, \( F(4, 1.85) = 15.29, p > .05, \eta^2_p = .41 \) subscales.

Table 7

*Study 1 Mean GNCS, GNCS Subscales, and TIC Scores as a Function of Participant Sexual Orientation Identity (Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Gay/Lesbian (n = 100)</th>
<th>Heterosexual (n = 46)</th>
<th>Bisexual (n = 46)</th>
<th>Queer (n = 38)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GNCS</td>
<td>3.13 (1.20)</td>
<td>2.51 (1.77)(^a)</td>
<td>4.17 (1.69)</td>
<td>3.32 (1.45)</td>
</tr>
<tr>
<td>GNC Personality</td>
<td>3.02 (1.29)</td>
<td>2.36 (2.04)(^a)</td>
<td>4.03 (1.81)</td>
<td>3.27 (1.60)</td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>3.51 (1.27)(^a)</td>
<td>2.68 (1.64)(^b)</td>
<td>4.53 (1.22)(^c)</td>
<td>3.46 (1.31)(^a)</td>
</tr>
<tr>
<td>GNC Dress</td>
<td>2.94 (1.73)</td>
<td>2.57 (2.19)</td>
<td>4.09 (2.23)</td>
<td>3.23 (1.90)</td>
</tr>
<tr>
<td>GNC Speech</td>
<td>3.05 (1.25)</td>
<td>2.44 (1.81)</td>
<td>3.31 (1.43)</td>
<td>3.03 (1.53)</td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>3.08 (1.29)</td>
<td>2.50 (1.80)(^a)</td>
<td>4.28 (1.75)</td>
<td>3.21 (1.53)</td>
</tr>
<tr>
<td>GNC Self</td>
<td>3.15 (1.16)</td>
<td>2.57 (1.74)(^a)</td>
<td>4.01 (1.65)</td>
<td>3.34 (1.39)</td>
</tr>
<tr>
<td>GNC Friends</td>
<td>3.13 (1.21)</td>
<td>2.49 (1.78)(^a)</td>
<td>4.12 (1.65)</td>
<td>3.40 (1.55)</td>
</tr>
<tr>
<td>GNC Family</td>
<td>3.17 (1.27)</td>
<td>2.50 (1.80)(^a)</td>
<td>4.28 (1.87)</td>
<td>4.26 (1.65)</td>
</tr>
<tr>
<td>TIC</td>
<td>5.05 (1.78)</td>
<td>5.24 (1.44)(^c)</td>
<td>4.87 (1.39)</td>
<td>4.26 (1.65)(^a)</td>
</tr>
</tbody>
</table>

\(^a\) Difference from bisexual is statistically significant at \(p < .05\).
\(^b\) Difference from gay/lesbian is statistically significant at \(p < .05\).
\(^c\) Difference from queer is statistically significant at \(p < .05\).

*Note. N = 198.*

According to the Games-Howell post-hoc analysis, the cisgender female participants GNCS scores were statistically significantly higher than scores for the cisgender males (\(MD = \)
.70, 95% CI [.23, 1.17], p < .01, d = .62) and significantly lower than scores for MTF (MD = -2.61, 95% CI [-3.81, -1.40], p < .01, d = 2.17), and FTM (MD = -2.33, 95% CI [-3.16, -1.50], p < .01, d = 2.13) participants. Cisgender male participants exhibited statistically significant lower GNCS scores than the MTF (MD = -3.31, 95% CI [-4.52, -2.11], p < .01, d = 3.18) and FTM (MD = -3.04, 95% CI [-3.86, -2.22], p < .05, d = 3.30) participants. The MTF, FTM, and genderqueer participants did not exhibit statistically significant differences on their GNCS scores.

FTM (M = 5.38, SD = .88) participants’ GNCS scores were statistically significantly different from the cisgender male (M = 2.36, SD = .96) and cisgender female (M = 3.05, SD = 1.28) participants’ gender nonconformity scale scores in the full GNCS as well as for the eight GNCS subscale scores. Additionally, cisgender females reported higher levels of GNC than did cisgender males on the full GNCS and the eight GNCS subscale scores. Alternatively, MTF and FTM participants were not significantly different in their gender nonconformity scores for the full scale or for any of the eight subscales. See Table 8 for means and standard deviations.

There were statistically significant differences in GNCS between cisgender heterosexuals, cisgender LGBQ, and transgender/genderqueer participants, $F(2, 195) = 78.36, p < .01, \eta^2_p = .44$.

For the GNCS and each of the eight GNCS subscales, the group-by-group comparisons revealed that the transgender and genderqueer participants were significantly higher in GNCs than both the cisgender LGBQ (MD = 2.42, 95% CI [1.84, 3.00], p < .01, d = 2.18) and the cisgender heterosexual (MD = 3.54, 95% CI [2.88, 4.19], p < .01, d = 3.35) participants. Similarly, the cisgender LGBQ participants were significantly higher in GNCS and on the eight GNCS subscales than the cisgender, heterosexual participants were. See Table 9 for group means and $p$-values.
Table 8

*Study 1 Mean GNCS and GNCS Subscale Scores as a Function of Participant Gender Identity*

*(Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cis Male $n = 71$</th>
<th>Cis Female $n = 102$</th>
<th>FTM $n = 13$</th>
<th>MTF $n = 10$</th>
<th>Genderqueer $n = 2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>GNCS</td>
<td>2.34 (.95)$^{b,c}$</td>
<td>3.05 (1.28)$^{a,b}$</td>
<td>5.38 (.88)$^a$</td>
<td>5.66 (1.11)$^{a,c}$</td>
<td>4.62 (2.29)</td>
</tr>
<tr>
<td>GNC Personality</td>
<td>2.28 (1.08)$^{b,c}$</td>
<td>2.84 (1.41)$^{a,b}$</td>
<td>5.38 (.88)$^{a,c}$</td>
<td>6.07 (1.04)$^{a,c}$</td>
<td>4.87 (3.00)</td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>2.92 (1.28)$^{b,c}$</td>
<td>3.32 (1.38)$^b$</td>
<td>5.03 (.98)$^{a,c}$</td>
<td>4.77 (1.32)$^{a,c}$</td>
<td>4.62 (1.23)</td>
</tr>
<tr>
<td>GNC Dress</td>
<td>1.88 (1.07)$^{b,c}$</td>
<td>2.99 (1.69)$^{a,b}$</td>
<td>6.21 (.72)$^{a,c}$</td>
<td>6.37 (1.25)$^{a,c}$</td>
<td>4.25 (2.82)</td>
</tr>
<tr>
<td>GNC Speech</td>
<td>2.28 (1.16)$^{b,c}$</td>
<td>3.04 (1.29)$^{a,b}$</td>
<td>4.92 (1.23)$^{a,c}$</td>
<td>5.42 (1.74)$^{a,c}$</td>
<td>4.75 (2.12)</td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>2.27 (1.01)$^{b,c}$</td>
<td>3.02 (1.36)$^{a,b}$</td>
<td>5.40 (1.05)$^{a,c}$</td>
<td>5.50 (1.25)$^{a,c}$</td>
<td>5.00 (1.76)</td>
</tr>
<tr>
<td>GNC Self</td>
<td>2.43 (.96)$^{b,c}$</td>
<td>3.03 (1.22)$^{a,b}$</td>
<td>5.32 (.81)$^{a,c}$</td>
<td>5.75 (1.06)$^{a,c}$</td>
<td>4.00 (2.12)</td>
</tr>
<tr>
<td>GNC Friends</td>
<td>2.36 (.97)$^{b,c}$</td>
<td>3.02 (1.29)$^{a,b}$</td>
<td>5.48 (.84)$^{a,c}$</td>
<td>5.70 (1.10)$^{a,c}$</td>
<td>4.87 (3.00)</td>
</tr>
<tr>
<td>GNC Family</td>
<td>2.30 (1.03)$^{b,c}$</td>
<td>3.13 (1.39)$^{a,b}$</td>
<td>5.34 (.91)$^{a,c}$</td>
<td>5.65 (1.14)$^{a,c}$</td>
<td>4.62 (2.29)</td>
</tr>
</tbody>
</table>

$^a$ Difference from cisgender males is statistically significant at $p < .05$.

$^b$ Difference from FTM is statistically significant at $p < .05$.

$^c$ Difference from cisgender females is statistically significant at $p < .05$.

*Note: n = 198*

A one-way ANOVA indicated that there were no significant differences in GNCS between racial groups, for the full GNCS $F(4, 193) = 1.30$, $p > .05$, or on any of the eight GNCS subscale scores. See Table 10 for group means.
Table 9

Study 1 Mean GNCS, GNCS Subscales, and TIC Scores as a Function of Participant Gender and Sexual Orientation (Standard Deviations in Parentheses)

<table>
<thead>
<tr>
<th>Scale</th>
<th>Gender x Sexual Orientation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cisgender Heterosexual $n = 39$</td>
</tr>
<tr>
<td>GNCS</td>
<td>1.90 (1.04)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Personality</td>
<td>1.63 (1.12)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>2.29 (1.41)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Dress</td>
<td>1.78 (1.22)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Speech</td>
<td>1.88 (1.15)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>1.88 (1.11)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Self</td>
<td>1.96 (1.02)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Friends</td>
<td>1.86 (1.03)$^{b,c}$</td>
</tr>
<tr>
<td>GNC Family</td>
<td>1.87 (1.07)$^{b,c}$</td>
</tr>
<tr>
<td>TIC</td>
<td>5.35 (1.45)$^{c}$</td>
</tr>
</tbody>
</table>

$^a$ Difference from cisgender heterosexual is statistically significant at $p < .05$.
$^b$ Difference from cisgender LGBQ is statistically significant at $p < .05$.
$^c$ Difference from transgender/genderqueer is statistically significant at $p < .05$.

Note. $n = 198$. 
Table 10

Study 1 Mean GNCS, GNCS Subscales and TIC Scores as a Function of Participant Racial Identity (Standard Deviations in Parentheses)

<table>
<thead>
<tr>
<th>Scale</th>
<th>Asian American n = 8</th>
<th>African American n = 35</th>
<th>White American n = 135</th>
<th>Latino/a n = 10</th>
<th>Self-Identify n = 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>GNC</td>
<td>2.95 (1.80)</td>
<td>2.64 (1.51)</td>
<td>3.24 (1.35)</td>
<td>3.08 (2.31)</td>
<td>2.94 (1.86)</td>
</tr>
<tr>
<td>GNC Personality</td>
<td>3.09 (1.82)</td>
<td>2.46 (1.66)</td>
<td>3.11 (1.52)</td>
<td>3.37 (2.23)</td>
<td>2.80 (2.10)</td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>2.96 (1.56)</td>
<td>3.00 (1.61)</td>
<td>3.53 (1.30)</td>
<td>2.70 (1.86)</td>
<td>3.62 (1.76)</td>
</tr>
<tr>
<td>GNC Dress</td>
<td>2.87 (2.24)</td>
<td>2.47 (1.75)</td>
<td>3.16 (1.86)</td>
<td>2.90 (2.84)</td>
<td>2.60 (2.20)</td>
</tr>
<tr>
<td>GNC Speech</td>
<td>2.87 (1.77)</td>
<td>2.64 (1.57)</td>
<td>3.14 (1.39)</td>
<td>3.35 (2.55)</td>
<td>2.75 (1.82)</td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>3.06 (1.74)</td>
<td>2.59 (1.51)</td>
<td>3.19 (1.43)</td>
<td>2.97 (2.46)</td>
<td>2.90 (1.94)</td>
</tr>
<tr>
<td>GNC Self</td>
<td>2.71 (1.98)</td>
<td>2.67 (1.49)</td>
<td>3.25 (1.31)</td>
<td>3.27 (2.15)</td>
<td>2.95 (1.47)</td>
</tr>
<tr>
<td>GNC Friends</td>
<td>2.90 (1.97)</td>
<td>2.62 (1.53)</td>
<td>3.24 (1.35)</td>
<td>3.10 (2.28)</td>
<td>3.00 (2.12)</td>
</tr>
<tr>
<td>GNC Family</td>
<td>3.12 (1.72)</td>
<td>2.68 (1.55)</td>
<td>3.26 (1.44)</td>
<td>2.97 (2.36)</td>
<td>2.92 (1.97)</td>
</tr>
<tr>
<td>TIC</td>
<td>5.02 (2.38)</td>
<td>5.30 (1.53)</td>
<td>4.97 (1.61)</td>
<td>4.34 (1.61)</td>
<td>3.60 (2.31)</td>
</tr>
</tbody>
</table>

Note. N = 198.

Treatment in Court (TIC)

LGBTQ participants reported lower TIC scores ($M = 4.83, SD = 1.74$) than non-LGBTQ participants ($M = 5.35, SD = 1.44$); this difference was not statistically significant, Brown-Forsythe $F(1, 67.43) = 3.80, p > .05, d = .33$. See Table 6 for group means and standard deviations. Sexual orientation identity was a statistically significant predictor for treatment in
court, Brown-Forsythe $F(3, 112.44) = 3.16, p < .05, \eta^2_p = .04$. According to the Games-Howell post-hoc analysis, the only pair-wise comparison that reached significance was that of heterosexual participants, who reporting significantly better treatment in court than queer identified participants ($MD = .97, 95\% \text{ CI} [.07, 1.87], p < .05, d = .62$). See Table 7 for group means and standard deviations.

There were no statistically significant differences in treatment court according to participants’ gender identities as a cisgender male, FTM, MTF, or cisgender female, Brown-Forsythe $F(4, 7.74) = 2.56, p > .05, \eta^2_p = .06$. See Table 8 for group means and standard deviations.

There were statistically significant differences in treatment in court between cisgender heterosexuals, cisgender LGBQ, and transgender or genderqueer participants, Brown-Forsythe $F(2, 70.49) = 4.63, p < .05, \eta^2_p = .44$. The cisgender heterosexual participants reported statistically significantly higher TIC scores than the trans/genderqueer participants did, ($MD = 1.27, 95\% \text{ CI} [.23, 2.32], p < .05, d = .78$). See Table 9 for means and standard deviations.

The ANOVA using participants’ racial identity to predict TIC scores was not statistically significant, Brown-Forsythe $F(4, 31.37) = 1.68, p > .05, \eta^2_p = .04$. See Table 9 for group means and standard deviations.

**Research Questions**

**Hypothesis 1.1: LGBTQ Identity**

I hypothesized that there would be a relationship between of LGBTQ-identity on treatment in court experiences such that, individuals who identify as LGBTQ would have significantly lower ratings of the treatment that they received in court than non-LGBTQ individuals do. As mentioned in the ANOVA analysis above, LGBTQ-identified participants
scored lower on the TIC scale than the non-LGBTQ participants did but this difference was not statistically significant, Brown-Forsythe $F(1, 67.43) = 3.80, p > .05, d = .33$.

**Hypothesis 1.2: GNC**

I hypothesized that there would be a statistically significant effect of gender nonconformity on TIC scores such that, as gender nonconformity increases, scores on the TIC scale decrease. The GNCS was a statistically significant predictor of treatment in court, $b = -.21$, $t(196) = -2.59, p = .01$, and accounted for 2.8% of the variance in TIC scores, $R^2 = .028$, $F(1,196) = 6.74, p = .01$.

**Hypothesis 1.3: LGBTQ Identity x GNC**

There will be an interaction between GNC and LGBTQ identity on treatment in court scores such that controlling for GNC would reduce the effect of LGBTQ on TIC scores. The prediction of GNC as a moderator of the relationship between LGBTQ identity and treatment in court was invalidated by the statistically non-significant finding of LGBTQ identity. A 3-step, multiple regression analysis was conducted to test the potential interaction between GNC and LGBTQ on court experiences. In the first step, GNCS was entered as a predictor variable and TIC as the outcome variable. This step of the model was statistically significant, $b = -.30, t(196) = -2.59, p = .01$, and accounted for 2.8% of the variance in treatment in court scores, $R^2 = .028$, $F(1,196) = 6.24, p < .05$. In the second step of the regression model, LGBTQ identity was entered as a predictor. This two-predictor model was also statistically significant, $F(2, 195) = 3.67, p = .03$. However, LGBT identity was not a statistically significant predictor in step this model, $b = -.10, t(196) = -.79, p = .431$. In step 3 of the regression analysis, the model was not statistically significant, $b = -.15, t(196) = -1.08, p = .06$ (See Figure 1). As a result, there were no statistically significant predictors in the model. See Table 11 for regression coefficients. Figure 1
was produced using an Excel worksheet from www.jeremydawson.co.uk/slopes.htm. This Excel worksheet was designed to assist in interpreting two-way interaction effects by using procedures that were recommended by Dawson and Richter (2006) and Dawson (2013).

Figure 3. Line graph showing the results from Study 1 for the effects of the GNC x LGBTQ interaction on treatment in court scores.
Table 11

*Study 1 Summary of Hierarchical Regression Analysis for Variables Predicting Treatment in Court (N = 198)*

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1</th>
<th></th>
<th></th>
<th>Model 2</th>
<th></th>
<th></th>
<th>Model 3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>B</td>
<td>SE B</td>
</tr>
<tr>
<td>GNCS</td>
<td>-0.31*</td>
<td>0.12</td>
<td>-0.18</td>
<td>-0.26</td>
<td>0.13</td>
<td>-0.16</td>
<td>-0.24</td>
<td>0.13</td>
</tr>
<tr>
<td>LGBTQ Identity</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GNCS x LGBTQ</td>
<td>-0.10</td>
<td>0.13</td>
<td>-0.06</td>
<td>-0.19</td>
<td>0.17</td>
<td>-0.11</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-0.12</td>
<td>0.16</td>
<td>-0.07</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>$R^2$</td>
<td>.02</td>
<td></td>
<td></td>
<td>.03</td>
<td></td>
<td></td>
<td>.03</td>
<td></td>
</tr>
<tr>
<td>$F$ for change in $R^2$</td>
<td>5.85*</td>
<td>2.80</td>
<td>1.39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note:* The z-scores for LGBTQ identity and GNCS were used in the regression equation.

*p < .05.*
Summary

The results from a one-way ANOVA indicated that I was unable to retain Hypothesis 1.1. LGBTQ scores for treatment in court were not significantly lower than scores for the non-LGBTQ individuals. Identifying as LGBTQ did not increased the likelihood that an individual would have a negative court experience. A linear regression indicated that Hypothesis 1.2 should be retained. GNC was associated with poorer treatment in court. There was a negative relationship between GNCS and TIC scores such that, as people’s scores on the GNCS increased, their TIC scores decreased. This trend was also observed in five GNC subscales. A multiple regression analysis did not support Hypothesis 1.3. There was not a statistically significant interaction between the GNCS scores and LGBTQ identity on treatment in court.

The analyses from Hypothesis 1.2 suggested that the relationship between GNC and TIC supported my original prediction. However, neither Hypothesis 1.1 nor Hypothesis 1.3 was supported as LGBTQ identity did not have a statistically significant effect on treatment in court scores nor was it a significant predictor in the fully saturated model. See Table 9 for regression coefficients.

The purpose of Study 1 was to evaluate whether the likelihood of reporting low treatment in court scores was significantly increased by (a) identifying as LGBTQ, (b) having high scores on the gender nonconformity scale, and (c) being LGBTQ and high-GNC. I found support for the main effect of GNCS scores. As gender nonconformity increased, participants scores on the TIC decreased. However, LGBTQ individuals were not more likely to report having experienced negative treatment than were non-LGBTQ individuals. Additionally, the relationship between GNC and treatment for LGBTQ individuals was not different from the relationship observed between GNC and treatment for non-LGBTQ participants.
Chapter 5: Study 2 Introduction and Research Methodology

Introduction

Literature on assertiveness and gender suggest that, in aspects of life where gender is of issue, assertiveness can also contribute to outcomes (Rudman & Glick, 2001; Prentice & Carranza, 2002). According to the literature, in settings where an individual is of a minority identity, their highly assertive behaviors result in punishment from individuals in the majority identity group (Delamater & McNamara, 1986; Eagly, Makhijani, & Klonsky, 1992; Livingston, Rosette, & Washington, 2012). Study 2 was designed to investigate the interaction between assertiveness, GNC, sex, and their combined effect on the experiences that individuals have in court.

Researchers have not examined whether the effectiveness of assertive behavior is more likely dependent upon gender expression (i.e., masculinity) than it is with physical or natal sex (i.e., male). Findings of an overall sex differences in assertiveness have been attributed to gender norms (Eagly & Steffen, 1984; Eagly & Wood, 1991). Assertiveness is considered to be a traditionally masculine attribute yet it is not clear if all individuals who behave in a masculine manner will be more assertive regardless of sex. Researchers have not explored sex differences using a gender nonconforming sample. As mentioned in Chapter 2, individuals are usually punished for their gender nonconforming behaviors (Gordon & Meyer, 2007) and it is likely that gender nonconforming behaviors of assertiveness are likewise punished (Prentice & Carranza, 2002; Rudman & Glick, 2001).

In the context of court, assertive behavior is especially salient. Self-advocacy in court is a required aspect of a court experience. Using the court setting to evaluate the effect of sex, gender nonconformity, and assertiveness on outcomes will be helpful to LGBTQ individuals and their
advocates. Examining assertiveness in the context of gender nonconformity is an important next step in understanding the discrimination that gender nonconformists and LGBTQ individuals encounter.

Participant Recruitment

Participants were recruited through invitations that were posted on LGBTQ list serves and sent via targeted emails, in-person recruitment, and flyer postings to agencies that provide support services and referral for assistance to LGBTQ individuals. Data collection for Study 2 began in February 2013 and ended in November 2013. Participants were not offered any compensation for completing the study. See Chapter 3 for a detailed explanation of the participant recruitment procedures. See Appendix B for copy of email invitation and flyers.

Data Collection and Instrumentation

Study 2 participants completed the SCE, TIC scale (α = .96), GPS (α = .99), demographic items, and a self-report measure of their assertiveness. Participants’ scores on the full GNC and GNC subscales indicated that the scale sustained its high reliability with this sample (α ≥ .97).

Assertiveness Scale

Seventy-one participants completed the 3-item, 8-point Likert-type scale about their assertiveness in social, professional, and legal or court settings. The scale items were created by the experimenter in lieu of using longer assertiveness measures (e.g., Rathus Assertiveness Schedule; Rathus, 1973). The points on this scale ranged from “Very Unlikely” to “Very Likely” with higher numbers indicating a greater likelihood of assertiveness. The scale was reliable for the non-LGBT (α = .85) participants, for the LGBTQ participants (α = .73), and for the sample as a whole (α = .76).
Procedure

Participants who elected to complete the survey were guided to the answers on each item block in the following order: SCE, treatment in court scale, GPS, demographic items, validity question, assertiveness scale, and debriefing form. Identical to the order in Study 1, Study 2 item blocks were not randomized; however, the items within the TIC, GPS, and Assertiveness measures were randomized. Participants were allowed to skip any question they did not want to answer. Qualtrics converts participants’ responses to an SPSS data file. I exported the final data set from the Qualtrics website directly into SPSS.

Hypotheses

As mentioned in the previous chapter, literature on assertiveness and interpersonal competence suggests that assertiveness is closely tied to the context of the interpersonal interaction. Multiple factors will determine if an assertion of power is successful or unsuccessful. One of the most important factors in that interaction is the gender of the speaker (Prentice & Carranza, 2002; Rudman & Glick, 2001). However, gender nonconformity is often punished and it is unknown if having the level of assertiveness appropriate to the context eliminates the negative effects of gender nonconformity on court experiences. Study 2 was developed to answer two additional research questions about the role of assertiveness in legal outcomes and the potential 3-way interaction between GNC, assertiveness, and an individual's sex.

Hypothesis 2.1: GNC

There will be a main effect of gender nonconformity on experiences in court such that, higher GNCS scores will be associated with participants reporting negative treatment in court.
Hypothesis 2.2: Assertiveness

There will be an effect of assertiveness such that higher levels of assertiveness will be associated with better treatment in court scores.

Hypothesis 2.3: GNC x Assertiveness interaction

In addition to the hypothesized main effects of gender nonconformity and assertiveness, there will be a statistically significant interaction between gender nonconformity and assertiveness such that gender nonconforming participants who scored high in assertiveness will be more likely to report negative treatment in court than gender nonconforming individuals who scored low in assertiveness. Conversely, gender conforming participants who scored high in assertiveness will be more likely to report positive experiences in court than will gender conforming participants who score low in assertiveness.

Hypothesis 2.4: GNC x Assertiveness x sex interaction

There will be a three-way interaction between assertiveness, sex, and gender nonconformity such that the pattern of the interaction between sex and assertiveness will be different for gender nonconforming individuals than it will be for gender conforming individuals. More specifically, it will be more important that individuals adapt a level of assertiveness that is congruent with their sex than it is to adapt a level of assertiveness that is congruent with their gender presentation.

Hypothesis 2.4 predictions

The analysis of the three-way interaction between natal sex, gender nonconformity, and assertiveness could inform researchers of which pattern of behavioral/sex congruency, sex and assertiveness or sex and gender presentation (GNC), is more likely to be punished. The analysis specifically assessed how these the personality traits of assertiveness and GNC could predict
treatment in court for males and females. I expected that there would be two main effects, one for GNC and one for assertiveness but that there would be no main effect of natal sex, nor would there be a three-way interaction effect between these variables.

I expected that the behavioral/sex incongruity, which is exhibited in assertive females, would be excused and not punished because of the need for and expectation of self-advocacy in court settings. Additionally, for females, I expected that the assertive, gender conforming females would report the highest treatment followed by the assertive, gender nonconforming females, the passive, gender conforming females, and the passive, gender nonconforming females.

In contrast, it was expected that the behavioral/sex incongruity, which is exhibited in passive males, would be punished because it violates both, norms for court behavior and the gender norm of assertiveness that is expected of males. More specifically, for males, it was expected that the assertive, gender conforming males would report the best treatment, followed by the assertive, gender nonconforming males, the passive gender conforming males, and finally, I predicted that the passive gender nonconforming males would report the worst treatment in court. See Figure 6 for hypothesized 3-way interaction.

The independent variables in the equation were standardized prior to entering them into the equation. The interaction terms were constructed by standardizing their components before multiplying them to create the interaction term for the regression equation. Variables were converted into z-scores in SPSS by setting each variable’s mean to zero and standard deviation to one. Subsequently, interaction terms were created by multiplying the appropriate terms together. There were seven steps for entering our independent variables in this regression analysis. One variable was added to the equation at each step in a specific order. There were three main effects
variables: Sex, GNCS, and Assertiveness; three two-way interaction terms: Natal Sex x GNCS, Natal Sex x Assertiveness, and GNCS x Assertiveness; and one three-way interaction term Natal Sex x GNCS x Assertiveness.

Figure 4. Bar graph showing the hypothesized effects of GNC x Assertiveness x sex on Treatment in Court for Study 2.

Data Analysis

Hypothesis 2.1 required a multiple regression analysis to detect a two-way interaction between gender nonconformity and assertiveness on TIC scores. I standardized both GNCS and assertiveness scores in order to create the interaction term in the model.

Hypothesis 2.2 required a hierarchical regression analysis to detect a three-way interaction between natal sex, GNCS scores, and assertiveness scores on the TIC scale. The dependent variable of interest for Research Question 2.2 was TIC. The hierarchical regression
analysis informs the researcher of any effects that one variable may have when other variables are held constant. More importantly, hierarchical regression analyses are useful for assessing the effects of one or more interaction variables on the dependent variable.
Chapter 6: Study 2 Results

The review of Study 2 results in this chapter is detailed in the following format: first, an overview of participant demographics; including, participants’ gender, sexual orientation, race identities, and role in court. Second, I review the results for participants’ mean scores on the GPS, GNCS, TIC, and Assertiveness measures. Third, I report the correlation statistics among the dependent and independent measures. Fourth, I review the results of one-way ANOVAs analyzing the effect of LGBTQ identity on GNCS and TIC scores. Finally, I discuss the 7-step multiple regression analysis that helped to explain the results of the two- and three-way interaction predictions for Study 2. The 7-step multiple regression analysis included the two continuous variables, GNCS and Assertiveness, the dichotomous LGBTQ identity variable dummy coded to create a continuous predictor variable, three two-way interaction terms, and one three-way interaction term (GNC x LGBTQ x Assertiveness).

Sample Demographics

Participants in Study 2 were recruited through the same method of recruitment described in Study 1; formatted invitations that were posted on LGBTQ list serves and sent via targeted emails to agencies that provide support services and referral for assistance to LGBTQ individuals. I conducted a power analysis to assess the minimum sample size required for Study 2. I used an online statistical calculator (Soper, 2013) to calculate an a-priori estimate of sample size needed for the multiple regression analysis. I input the anticipated effect size ($f^2$) at .1, which indicated an expectation of a small to medium effect size, next I entered the desired power level at .8 for seven predictors. With the probability level ($\alpha$) set at .05, the calculator recommended a minimum sample size of 112 participants.
Despite the thorough recruitment process, we were unable to attain the recommended number of participants for Study 2. I believe the offering of financial compensation would have improved the response rate. However, the sample described below provided valuable data and additional insight about the relationship between, GNC, assertiveness, and treatment in court.

Eighty-nine people completed in the survey in Study 2. The majority ($n = 61; 68.5\%$) of participants in Study 2 had been to court in some capacity. The one participant who identified as bisexual exhibited extreme, high scores on the GPS, GNCS, Assertiveness, and TIC scales. Thus, this participant was excluded from the analysis. The following analyses include only the 61 individuals who reported having a court experience.

The participants’ ages ranged from 22 to 81 with a mean age of 43.80 ($SD = 15.41$). The sample in Study 2 was ethnically diverse. Twenty-nine participants (47.5\%) identified as White American, followed by 20 African Americans (32.8\%), 7 participants who identified as Asian American (11.5\%), 3 participants who chose to describe their ethnic identity in their own words (4.9\%), and 2 Latino/a Americans (3.3\%).

In Study 2, I asked participants about their sex as assigned at birth. Fifty-nine percent of participants reported that they were female ($n = 36$) and 41% were male ($n = 25$). The sample was split in terms of their LGBTQ identities, 62.3\% identified as LGBTQ ($n = 38$) and 37.7\% identified as cisgender heterosexuals ($n = 23$).

In addition to reporting their sex, the Study 2 participants also reported their gender identity. A little over half of the participants ($n = 33; 54.1\%$) identified as cisgender females, 41\% ($n = 25$) were cisgender males, three participants (4.9\%) identified as FTM. There were no MTF or genderqueer participants in Study 2.
Study 2 participants were somewhat diverse in their sexual orientation identities. A large portion \((n = 23; 37.7\%)\) of the Study 2 sample identified as heterosexual, \(34.4\% (n = 21)\) as gay/lesbian, and \(27.9\% (n = 17)\) reported a queer or self-identified sexual orientation. There were no bisexual participants in Study 2 participants also reported the age at which they “came out” to themselves \((M = 18.97, SD = 8.82; n = 33)\) and the age at which they “came out” to others \((M = 19.82, SD = 8.10; n = 33)\).

![Bar graph displaying Study 2 mean treatment in court scores according to participants’ role in court \((N = 61)\).](image)

*Figure 5.* Bar graph displaying Study 2 mean treatment in court scores according to participants’ role in court \((N = 61)\).

Participants were asked to report the role in court for which they would rate their court experiences. A little more than a quarter of the participants \((n = 18; 29.5\%)\) reported having a role in court that was not listed among the options for that item. However, 70.5\% \((n = 43)\) of participants reported having one of the following court experiences: juror in a criminal court case.
(n = 10), juror in a civil court case (n = 9), guardian or parent in a family court case (n = 5),
spouse or partner in a divorce case (n = 4), defendant in a civil court case (n = 3), plaintiff in a
civil court case (n = 3), defendant in a criminal court case (n = 3), victim in a criminal court case
(n = 2), juror in a civil court case (n = 2), juror on a grand jury (n = 2), witness in a criminal case
(n = 1), and a minor in a family court case (n = 1).

Descriptive Statistics and Correlations

Gender Presentation Scale (GPS)

The mean of the full GPS scores indicated that, overall, the distribution of gender
presentation was neither traditionally masculine nor was it traditionally feminine ($M = 4.01$, $SD
= 1.96$). Each of the eight GPS subscales was similar in their non-masculine and non-feminine
gender presentation. As expected the gender presentation and each of the eight GPS subscales
were positively correlated, $r(61) \geq .80$, $p < .05$. See Table 1 for means, standard deviations, and
correlation coefficients.

Gender Nonconformity Scale (GNCS)

As explained in the method section of Study 1, participants GNCS scores were calculated
using their GPS score and their sex. The GNCS scores of the males were identical to their gender
presentation scores. Female participants’ GNCS scores were calculated by reverse coding their
GPS scores.

Participants’ GNCS scores overall were low ($M = 2.51$, $SD = 1.87$) and positively skewed
($SK = .87$, $SES = .30$). The means and standard deviations for each of the eight GNC subscales
are reported in Table 12. Similar to the GPS scores, the GNCS full and subscales were
statistically significantly positively correlated, $r(61) \geq .65$, $p < .05$. The full and subscale scores
Table 12

Study 2 Summary of Intercorrelations, Means, and Standard Deviations for Scores on the GPS, GNC, and Treatment in Court Scales

<table>
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<th>Measure</th>
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<td>.95*</td>
<td>.96*</td>
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<td>-.14</td>
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<td>-.13</td>
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<td>.94**</td>
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<td>-.11</td>
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<td>.05</td>
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<td>4. Dress</td>
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<td>5. Speech</td>
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<td>.95**</td>
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<td>.98**</td>
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<td>.96**</td>
<td>.99**</td>
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<td>.73**</td>
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<td>.87**</td>
<td>.90**</td>
<td>.91**</td>
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<tr>
<td>12. GNC Hobbies</td>
<td></td>
<td></td>
<td>.68**</td>
<td>.71**</td>
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<td>.83**</td>
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<td>-.34**</td>
<td>-.18</td>
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<tr>
<td>13. GNC Dress</td>
<td></td>
<td></td>
<td>.72**</td>
<td>.86**</td>
<td>.86**</td>
<td>.89**</td>
<td>.82**</td>
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<td>-.35**</td>
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<tr>
<td>14. GNC Speech</td>
<td></td>
<td></td>
<td>.89**</td>
<td>.87**</td>
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<td>.89**</td>
<td>-.24</td>
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<td>15. GNC Acquaint.</td>
<td></td>
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<td>.92**</td>
<td>.96**</td>
<td>.96**</td>
<td>-.27**</td>
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<tr>
<td>16. GNC Self</td>
<td></td>
<td></td>
<td>.97**</td>
<td>.87**</td>
<td>-.32**</td>
<td>-.34**</td>
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<tr>
<td>17. GNC Friends</td>
<td></td>
<td></td>
<td>.93**</td>
<td>-.28**</td>
<td>-.34**</td>
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<td>18. GNC Family</td>
<td></td>
<td></td>
<td>-.20</td>
<td>-.27**</td>
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<tr>
<td>19. Assertiveness</td>
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<td></td>
<td></td>
<td></td>
<td>.24</td>
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<td></td>
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<tr>
<td>20. TIC</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

|M | 4.14 | 4.18 | 4.17 | 4.11 | 4.11 | 4.13 | 4.16 | 4.14 | 4.13 | 2.52 | 2.37 | 2.94 | 2.23 | 2.52 | 2.54 | 2.53 | 2.47 | 5.55 | 5.26 |
|SD| 1.96 | 2.21 | 1.70 | 2.36 | 2.00 | 2.00 | 2.02 | 1.91 | 1.99 | 1.28 | 1.50 | 1.34 | 1.34 | 1.34 | 1.23 | 1.36 | 1.33 | 1.04 | 1.64 |

*Statistically significant at p < .05. **Statistically significant at p < .01
for the GNCS were not statistically significantly correlated with the full or subscales of the GPS. See Table 12 for the GNCS correlation coefficients.

**Treatment in Court (TIC) Scale**

Participants reported highly positive experiences in court ($M = 5.26$, $SD = 1.64$), producing a negatively skewed distribution ($SK = -1.03$, $SES = .30$). Treatment in court was not correlated with participants’ gender presentation. However, TIC was negatively correlated with the full GNCS and with seven of eight of the GNCS subscales, $r(61) \geq |.27|$, $p < .05$. Having GNC Hobbies and Interests was not significantly correlated with TIC, $r(61) = -.18$, $p = .14$. See Table 12 for correlation coefficients.

**Assertiveness Scale**

Overall, participants reported that they were high in assertiveness ($M = 5.55$, $SD = 1.04$) which resulted in a moderately, negatively skewed distribution ($SK = -.71$, $SES = .30$). Assertiveness was not correlated with any of the measures of gender presentation. Assertiveness was negatively correlated with the GNCS, $r(61) = -.29$, $p = .02$, and with six out of eight of the GNCS subscales, $r(61) = |.28|$, $p < .05$. This means that, as participants’ level of gender nonconformity increased, their level of assertiveness decreased. Neither the GNC Personality subscale nor the GNC Family subscale was statistically significantly correlated with assertiveness. See Table 12 for correlation coefficients.

**One-Way Analysis of Variance (ANOVA)**

A series of one-way ANOVAs revealed between-group differences in GPS according to, sex, gender identity, and race. Between-group differences in GNC emerged for LGBTQ identity, sexual orientation, gender identity (e.g., cisgender male, cisgender female, or trans/genderqueer), sex, and racial identity. There were statistically significant differences between sexual
orientation groups, racial identities, and transgender identities on the TIC. There were also significant differences between sexual orientations on the assertiveness measure.

![Figure 6. Bar graph displays mean scores on three scales according to participant sex (N = 61).](image)

**Gender Presentation Scale (GPS)**

Participants’ GPS scores were not affected by LGBTQ identity, $F(1, 59) = 2.46, p > .05, d = .39$. Additionally, the LGBTQ participants did not differ from the non-LGBTQ participants in masculinity or femininity, in terms of their Personality $F(1, 59) = 2.03, p > .05, d = .35$; Hobbies, $F(1, 59) = 1.08, p > .05, d = .25$; Style of dress, $F(1, 59) = 3.00, p > .05, d = .45$; or Style of Speech, $F(1, 59) = 2.65, p > .05, d = .41$. LGBTQ identity also did not affect participants’ scores on the GPS subscales related to audience: Acquaintances, $F(1, 59) = 2.10, p > .05, d = .37$; Self, $F(1, 59) = 2.93, p > .05, d = .43$; Friends, $F(1, 59) = 2.32, p > .05, d = .38$; and Family, $F(1, 61) = 2.37, p > .05, d = .38$. See Table 13 for group means and standard deviations.
Table 13

*Study 2 Mean Scores on GPS and GPS Subscales According to Participants’ Sex and LGBTQ Identity (Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>LGBTQ Identity</th>
<th>Nata l Sex</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NYTQ n = 38</td>
<td>Not-LGBTQ n = 23</td>
<td>Female n = 37</td>
</tr>
<tr>
<td>GPS</td>
<td>3.89 (1.61)</td>
<td>4.55 (2.41)</td>
<td>5.31 (1.38)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>3.94 (1.81)</td>
<td>4.56 (2.75)</td>
<td>5.46 (1.54)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>4.01 (1.29)</td>
<td>4.44 (2.22)</td>
<td>5.00 (1.41)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>3.77 (2.19)</td>
<td>4.68 (2.55)</td>
<td>5.50 (1.80)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>3.85 (1.62)</td>
<td>4.53 (2.49)</td>
<td>5.29 (1.37)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>3.91 (1.68)</td>
<td>4.51 (2.42)</td>
<td>5.32 (1.41)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>3.86 (1.55)</td>
<td>4.60 (2.35)</td>
<td>5.27 (1.37)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>3.90 (1.69)</td>
<td>4.53 (2.42)</td>
<td>5.29 (1.42)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>3.91 (1.68)</td>
<td>4.57 (2.47)</td>
<td>5.37 (1.41)</td>
</tr>
</tbody>
</table>

*Note: N = 61.*

Females (n = 37) scored statistically significantly higher on the GPS than males (n = 24) did, $F(1,59) = 110.79$, $p < .01$, $d = 2.86$. Likewise, female participants’ GPS subscale scores were statistically significantly higher than males’ for Personality, $F(1,59) = 101.30$, $p < .01$, $d = 2.70$; Hobbies, $F(1,59) = 39.46$, $p < .01$, $d = 1.66$; Style of Dress, $F(1,59) = 104.65$, $p < .01$, $d = 2.81$; and Style of Speech, $F(1, 59) = 103.33$, $p < .01$, $d = 2.69$. Following, there were statistically significant differences in gender presentation between natal males and natal females for each of the GPS audience subscales: Acquaintances, $F(1, 59) = 104.03$, $p < .01$, $d = 2.76$; Self, $F(1, 59) = 105.13$, $p < .01$, $d = 2.75$; Friends, $F(1,59) = 103.53$, $p < .01$, $d = 2.75$; and
Family, $F(1, 59) = 107.31, p < .01, d = 2.79$. See Table 13 for group means and standard deviations.

There were no statistically significant differences in the full GPS scores according to participants’ sexual orientation, $F(2, 58) = 1.08, p = .34$; nor were there any statistically significant differences between sexual orientation groups on the Personality, $F(2, 58) = .72, p = .49$; Hobbies and Interests, $F(2, 58) = .62, p = .54$; Style of Dress, $F(2, 58) = 1.76, p = .540$; Style of Speech, $F(2, 58) = .89, p = .41$; acquaintances, $F(2, 58) = 1.00, p = .37$; self, $F(2, 58) = 1.62, p = .206$; friends, $F(2, 58) = 1.10, p = .34$; or family, $F(2, 58) = .77, p = .46$ subscale scores. See Table 14 for group means and standard deviations.

A Levene Statistic revealed that the error variances between the three gender identity groups (cisgender males, cisgender females, and trans/genderqueer) were not statistically significantly different and that it was acceptable to use the ANOVA to test for group differences in means. There were statistically significant between-group differences in GPS scores according to gender identity, $F(2, 58) = 82.05, p < .01, \eta^2_p = .74$. The post-hoc analysis revealed that cisgender females scored statistically significantly higher in femininity than cisgender males did (see Table 15 for group means and p-values). The trans/genderqueer group did not differ significantly from either the cisgender males or the cisgender females. There were statistically significant differences between gender identity groups in their Personality, $F(2, 58) = 70.86, p < .01, \eta^2_p = .71$; Hobbies and Interests, $F(2, 58) = 24.39, p < .01, \eta^2_p = .45$; Style of Dress, $F(2, 58) = 87.51, p < .01, \eta^2_p = .75$; Style of Speech, $F(2, 58) = 66.88, p < .01, \eta^2_p = .70$; Acquaintances, $F(2, 58) = 73.92, p < .01, \eta^2_p = .72$; Self, $F(2, 58) = 77.02, p < .01, \eta^2_p = .72$; Friends, $F(2, 58) = 77.89, p < .01, \eta^2_p = .73$; and Family, $F(2, 58) = 77.10, p < .01, \eta^2_p = .73$. 
Table 14

Study 2 Mean GPS and GPS Subscale Scores as a Function of Participant Sexual Orientation Identity (with Standard Deviations in Parentheses)

<table>
<thead>
<tr>
<th>Sexual Orientation Identity</th>
<th>Gay/Lesbian ( n = 21 )</th>
<th>Heterosexual ( n = 23 )</th>
<th>Queer ( n = 17 )</th>
</tr>
</thead>
<tbody>
<tr>
<td>GPS</td>
<td>3.68 (1.4)</td>
<td>4.55 (2.41)</td>
<td>4.15 (1.80)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>3.76 (1.72)</td>
<td>4.56 (2.75)</td>
<td>4.17 (1.94)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>3.86 (1.05)</td>
<td>4.44 (2.22)</td>
<td>4.19 (1.56)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>3.38 (2.20)</td>
<td>4.68 (2.55)</td>
<td>4.26 (2.15)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>3.73 (1.51)</td>
<td>4.53 (2.49)</td>
<td>4.00 (1.79)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>3.64 (1.56)</td>
<td>4.51 (2.42)</td>
<td>4.22 (1.88)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>3.85 (1.42)</td>
<td>4.60 (2.35)</td>
<td>4.20 (1.59)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>3.58 (1.48)</td>
<td>4.53 (2.42)</td>
<td>4.22 (1.84)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>3.66 (1.50)</td>
<td>4.57 (2.47)</td>
<td>3.98 (2.00)</td>
</tr>
</tbody>
</table>

Note: \( N = 61 \).

The post-hoc analysis for each of the subscales demonstrated the same pattern that was observed for the full GPS; cisgender male participants were statistically significantly less feminine in their gender presentation than cisgender females were. The trans/genderqueer participants did not score statistically significantly higher in femininity than the cisgender males or than the cisgender females (see Table 15 for group means and p-values).
Table 15

Study 2 Mean GPS and GPS Subscale Scores as a Function of Participant Gender Identity
(Standard Deviations in Parentheses)

<table>
<thead>
<tr>
<th>Scale</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cis Male</td>
</tr>
<tr>
<td></td>
<td>n = 23</td>
</tr>
<tr>
<td>GPS</td>
<td>2.17 (.89)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>1.98 (1.13)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>2.78 (1.17)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>1.79 (.87)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>2.11 (1.09)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>2.14 (.91)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>2.26 (.98)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>2.15 (.96)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>2.13 (.98)</td>
</tr>
</tbody>
</table>

a Difference from cisgender males is statistically significant at $p < .05$.

Note. $N = 61$.

There were statistically significant differences in GPS scores according to participants’ racial identity, $F(4, 56) = 5.21, p < .01, \eta^2_p = .32$. However, an examination of the crosstabs of gender identity and racial identity revealed that six out of the seven Asian American participants were either cisgender males or FTMs. Therefore, it was not surprising that the Asian American participants were statistically significantly more masculine in their gender presentation than the African American (70% cisgender females) and Latino/a (100% cisgender females) participants.
were. (see Table 16 for group means). Thus, this finding of statistically significant differences between racial identities should be interpreted with caution because of the race/gender confound. Furthermore, this finding should be attributed to the gender differences between racial identities and not true significant differences in how people of different racial identities present their gender.

Table 16

*Study 2 Mean GPS and GPS Subscale Scores as a Function of Participant Racial Identity (Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Racial Identity</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Asian American</td>
<td>African American</td>
<td>White American</td>
<td>Latino/a</td>
<td>Self-Identify</td>
</tr>
<tr>
<td></td>
<td>$n = 7$</td>
<td>$n = 20$</td>
<td>$n = 28$</td>
<td>$n = 2$</td>
<td>$n = 4$</td>
</tr>
<tr>
<td>GPS</td>
<td>2.40 (1.01)$^b$</td>
<td>5.06 (2.25)$^{a,b}$</td>
<td>3.94 (1.33)$^{a,b}$</td>
<td>6.87 (1.00)$^a$</td>
<td>2.65 (2.44)</td>
</tr>
<tr>
<td>GPS Personality</td>
<td>2.39 (.96)$^b$</td>
<td>5.33 (2.45)$^{a,b}$</td>
<td>3.80 (1.67)$^b$</td>
<td>6.75 (.98)$^a$</td>
<td>2.87 (2.83)</td>
</tr>
<tr>
<td>GPS Hobbies</td>
<td>2.64 (.93)$^b$</td>
<td>4.82 (2.14)$^{a,b}$</td>
<td>4.13 (.93)$^{a,b}$</td>
<td>6.75 (.89)$^a$</td>
<td>2.68 (1.90)</td>
</tr>
<tr>
<td>GPS Dress</td>
<td>2.14 (1.42)$^b$</td>
<td>5.16 (2.62)$^{a,b}$</td>
<td>3.89 (1.86)$^b$</td>
<td>7.00 (.00)$^a$</td>
<td>2.50 (2.52)</td>
</tr>
<tr>
<td>GPS Speech</td>
<td>2.42 (.99)$^b$</td>
<td>4.91 (2.35)$^{a,b}$</td>
<td>3.97 (1.39)$^{a,b}$</td>
<td>7.00 (.00)$^a$</td>
<td>2.56 (2.50)</td>
</tr>
<tr>
<td>GPS Acquaint</td>
<td>2.53 (.97)$^b$</td>
<td>5.02 (2.25)$^{a,b}$</td>
<td>3.93 (1.43)$^{a,b}$</td>
<td>7.00 (.00)$^a$</td>
<td>2.50 (2.52)</td>
</tr>
<tr>
<td>GPS Self</td>
<td>2.14 (1.22)$^b$</td>
<td>5.07 (2.23)$^a$</td>
<td>4.00 (1.21)$^{a,b}$</td>
<td>6.50 (.02)$^a$</td>
<td>2.75 (1.89)</td>
</tr>
<tr>
<td>GPS Friends</td>
<td>2.21 (1.07)$^b$</td>
<td>5.03 (2.25)$^{a,b}$</td>
<td>3.96 (1.32)$^b$</td>
<td>7.00 (.00)$^a$</td>
<td>2.81 (2.85)</td>
</tr>
<tr>
<td>GPS Family</td>
<td>2.50 (1.13)$^b$</td>
<td>5.10 (2.28)$^{a,b}$</td>
<td>3.88 (1.50)$^b$</td>
<td>7.00 (00)$^a$</td>
<td>2.56 (2.50)</td>
</tr>
</tbody>
</table>

$^a$ Difference from Asian Americans is statistically significant at $p < .05$.

$^b$ Difference from Latino/a American is statistically significant at $p < .05$.

*Note. N = 61.*
Gender Nonconformity Scale (GNCS)

Participants demonstrated statistically significant differences on their GNCS and GNCS subscale scores according to their LGBTQ identity, sexual orientation, gender identity, and racial identity. On the full GNCS, LGBTQ participants were statistically significantly higher in their gender nonconformity than non-LGBTQ participants were, $F(1, 59) = 13.07, p < .01, d = .97$. The Levene Statistic indicated that LGBTQ and non-LGBTQ participants’ error variances were significantly different for the GNC Style of Dress subscale. Therefore, the $F$-values presented for that scale were calculated from the Brown-Forsythe test. The pattern of higher GNC in the LGBTQ participants that was observed for the full GNC scale was also observed with the Personality, $F(1, 59) = 14.47, p < .01, d = 1.03$; Hobbies and Interests, $F(1, 59) = 11.72, p < .01, d = .86$; Style of Dress, $F(1,58.51) = 9.59, p < .05, d = .66$; Style of Speech, $F(1, 57) = 11.93, p < .01, d = .77$; Acquaintances, $F(1, 59) = 12.29, p < .01, d = .85$; Self, $F(1, 59) = 16.70, p < .01, d = 1.03$; Friends, $F(1, 59) = 13.77, p < .01, d = .94$; and family, $F(1, 59) = 15.12, p < .01, d = .98$ subscales of the GNCS.

According to a one-way ANOVA, differences on the GNCS emerged between groups for the gender identity predictor variable, $F(2, 58) = 11.21, p < .01, \eta^2_p = .28$, such that, based on their sex, the trans/genderqueer participants were statistically significantly higher in their gender nonconformity than both the cisgender males and the cisgender females. The cisgender males and cisgender females did not differ significantly from each other on the full GNCS.

The sample size for the trans/genderqueer group was much smaller than the cisgender male and female groups; however, Levene’s Statistic indicated that the error variances between groups were not statistically significantly different for the full GNCS or for any of the GNCS subscales and that the ANOVA results were reliable. According to the ANOVA, there were
statistically significant differences between gender identity groups on the GNCS subscales for Personality, $F(2, 58) = 9.32, p < .01, \eta^2_p = .24$; Hobbies and Interests, $F(2, 58) = 2.99, p < .01, \eta^2_p = .09$; Style of Dress, $F(2, 58) = 15.26, p < .01, \eta^2_p = .34$; Style of Speech, $F(2, 58) = 8.00, p < .01, \eta^2_p = .21$; Acquaintances, $F(2, 58) = 9.93, p < .01, \eta^2_p = .25$; Self, $F(2, 58) = 10.36, p < .01, \eta^2_p = .26$; Friends, $F(2, 58) = 11.55, p < .01, \eta^2_p = .28$; and Family, $F(2, 58) = 10.04, p < .01, \eta^2_p = .26$. The characteristics of these significant differences modeled that of the full GNCS; trans/genderqueer were significantly more GNC than cisgender males or cisgender females, and, cisgender males and cisgender females were not statistically significantly different from each other in their GNCS scores.

There were no statistically significant differences between natal males and natal females on the GNCS, $F(1, 57) = 1.99, p = .16$; or on GNC Personality, $F(1, 57) = 1.74, p = .19$; Hobbies and Interests, $F(1, 57) = .24, p = .62$; Style of Dress, $F(1, 57) = 2.41$, Style of Speech, $F(1, 57) = 2.51, p = .12$; acquaintance, $F(1, 57) = 2.17, p = .14$; self, $F(1, 57) = 1.46, p = .23$; friends, $F(1, 57) = 2.15, p = .14$; or family, $F(1, 57) = 1.78; p = .18$ subscales.

There were statistically significant differences in GNCS between the cisgender heterosexual, cisgender LGBQ, and transgender or genderqueer participants, $F(2, 58) = 18.02, p < .01, \eta^2_p = .38$. There were statistically significant differences observed for many of the group comparisons as seen in Table 17.

I observed statistically significant differences in GNCS according to participants’ racial identity, $F(4, 56) = 6.06, p < .05, \eta^2_p = .30$. However, similar to the confound of race and gender observed for the GPS, there was a confound of race and gender identity for the GNCS. The crosstabs indicated that two (28%) of the Asian American participants identified as FTM and only seven percent of the White American participants identified as trans/genderqueer.
Therefore, because of this confound and small sample size, the statistics from this analysis are not reported.

Table 17.

*Study 2 Mean GNCS, GNCS Subscales, and TIC Scores as a Function of Participant Gender and Sexual Orientation (Standard Deviations in Parentheses)*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Gender x Sexual Orientation</th>
<th>Cisgender Heterosexual (n = 23)</th>
<th>Cisgender LGBQ (n = 33)</th>
<th>Transgender or Genderqueer (n = 5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GNCS</td>
<td>1.77 (.99)^b,c</td>
<td>2.67 (.94)^a,c</td>
<td>4.92 (1.29)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Personality</td>
<td>1.45 (1.07)^b,c</td>
<td>2.60 (1.14)^a</td>
<td>5.05 (1.67)^a</td>
<td></td>
</tr>
<tr>
<td>GNC Hobbies</td>
<td>2.25 (1.39)^b,c</td>
<td>3.17 (1.05)^a,c</td>
<td>4.65 (.74)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Dress</td>
<td>1.57 (.93)^c</td>
<td>2.46 (1.36)^c</td>
<td>5.20 (1.73)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Speech</td>
<td>1.81 (1.24)^b,c</td>
<td>2.66 (.99)^a,c</td>
<td>4.80 (1.17)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Acquaint</td>
<td>1.81 (1.07)^b,c</td>
<td>2.36 (1.03)^a,c</td>
<td>5.05 (1.02)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Self</td>
<td>1.80 (.94)^b,c</td>
<td>2.74 (.95)^a</td>
<td>4.65 (1.32)^a</td>
<td></td>
</tr>
<tr>
<td>GNC Friends</td>
<td>1.77 (1.00)^b,c</td>
<td>2.66 (1.01)^a,c</td>
<td>5.10 (1.63)^a,b</td>
<td></td>
</tr>
<tr>
<td>GNC Family</td>
<td>1.70 (.99)^b,c</td>
<td>2.64 (1.04)^a,c</td>
<td>4.90 (1.28)^a,b</td>
<td></td>
</tr>
<tr>
<td>TIC</td>
<td>5.51 (1.35)^c</td>
<td>5.44 (1.45)^c</td>
<td>2.96 (2.55)^a,b</td>
<td></td>
</tr>
<tr>
<td>Assertiveness</td>
<td>5.68 (1.03)</td>
<td>5.53 (1.01)</td>
<td>5.13 (1.40)</td>
<td></td>
</tr>
</tbody>
</table>

^a Difference from cisgender heterosexual is statistically significant at \(p < .05\).  
^b Difference from cisgender LGBQ is statistically significant at \(p < .05\).  
^c Difference from transgender/genderqueer is statistically significant at \(p < .05\).  

*Note. N = 61.*
Treatment in Court (TIC) Scale

A one-way ANOVA indicated that there were no statistically significant differences in treatment in court between the LGBTQ and the non-LGBTQ participants, \( F(1, 59) = .28, p > .05, d = .14 \).

There were, however, statistically significant differences between sexual orientation identities on the TIC, \( F(2, 58) = 3.19, p < .05, \eta^2_p = .14 \). More specifically, the participants who identified their sexual orientation as queer reported receiving significantly worse treatment in court than both the heterosexual \( (MD = -1.11, 95\% \ CI [-2.50, .01], p < .05, d = .69) \) and gay/lesbian participants \( (MD = -1.47, 95\% \ CI [-2.96, .01], p < .05, d = .90) \) did. The gay/lesbian and heterosexual participants did not report receiving treatment that was significantly better or worse than each other (see Table 14 for mean differences and p-values).

Overall, the mean for treatment for the trans/genderqueer participants \( (M = 2.96, SD = 2.55) \) was much lower than the means observed for both the cisgender males \( (M = 5.37, SD = 1.56) \) and cisgender females \( (M = 5.53, SD = 1.29) \). However, a Levene’s test indicated that the error variances between gender identity groups were statistically significantly different; therefore, in order to test for statistically significant mean differences between gender identities, I used the Brown-Forsythe test. This test indicated that the differences in TIC between the three gender identities trended toward, but did not reach, statistical significance, \( F(2, 7.53) = 3.54, p > .05 \). There were no statistically significant differences in TIC scores between the male and the female participants, \( F(1, 57) = .003, p = .95 \). According to the Levene Statistic, there were statistically significant differences in error variances for the racial identity groups. The Brown-Forsythe Robust Test of Equality of Means indicated that there were no statistically significant differences between racial identities for the TIC scale, \( F(4, 4.98) = 1.31, p > .05 \).
**Assertiveness Scale**

LGBTQ participants were not significantly different than non-LGBTQ people in their assertiveness scores, $F(1, 59) = .14, p > .05$. However, the ANOVA revealed that there were statistically significant differences between the three sexual orientation groups on the assertiveness scales, $F(2, 58) = 3.97, p < .05, \eta^2_p = .03$. The gay/lesbian participants had the highest mean level of assertiveness, which was significantly higher than the mean assertiveness scores for the queer participants who had the lowest mean assertiveness score. The remaining group, heterosexual participants, was not significantly different from either gay/lesbian or queer participants in their assertiveness scores (see Table 14 for mean differences and p-values).

Participants of different gender identities did not exhibit assertiveness scores that were statistically significantly different from each other, $F(2, 58) = .95, p > .05$. There were no statistically significant differences in assertiveness according to cisgender heterosexual, cisgender LGBQ, and transgender or genderqueer identities. See Table 17 for group means.

**Regression Analyses**

**Assertiveness Scale**

A linear regression analysis indicated that there was a statistically significant effect of gender presentation on assertiveness such that feminine presenting participants were more likely to be assertive, $b = .18, t(61) = 2.74, p < .05$. Additionally, the GPS scores accounted for almost 10% of variance in assertiveness scales scores, $R^2 = .09, F(1, 59) = 7.54, p < .05$.

There was also a statistically significant effect of gender nonconformity on assertiveness, such that gender nonconformist were less likely to be assertive, $b = -.22, t(61) = -2.21, p < .05$. GNC scores accounted for 6.1% of variance in assertiveness scores, $R^2 = .06, F(1, 59) = 4.91, p < .05$. 
Treatment in Court (TIC)

Gender presentation did not have a statistically significant effect on TIC scores, $b = .06$, $t(61) = .52$, $p > .05$.

Research Questions

**Hypothesis 2.1: GNC**

There will be an effect of gender nonconformity on treatment in court such that as an individual’s level of GNC increases their likelihood of having a negative experience in court also increases. The linear regression confirmed Hypothesis 2.1 and indicated that there was a statistically significant effect of GNCS on TIC such that, gender nonconforming participants are more likely to report having negative experiences in court than are gender conformists, $b = -.40$, $t(61) = -2.57$, $p < .05$. This effect of GNC accounted for 8.5% of the variance in treatment in court scores, $R^2 = .08$, $F(1, 59) = 6.60$, $p < .05$.

**Hypothesis 2.2: Assertiveness**

There will be an effect of assertiveness such that higher levels of assertiveness will be associated with better treatment in court scores. Hypothesis 2.2 was confirmed. Assertiveness had a positive effect on TIC scores such that assertive participants were more likely to report having positive experiences in court, $b = .38$, $t(61) = 1.94$, $p < .05$. Additionally, assertiveness accounted for 4.4% of variance for treatment in court scores, $R^2 = .04$, $F(1, 59) = 3.76$, $p < .05$.

**Hypothesis 2.3: GNC x Assertiveness interaction**

In addition to the hypothesized main effects of gender nonconformity and assertiveness, there will be a statistically significant crossover interaction between gender nonconformity and assertiveness such that gender nonconforming participants who scored high in assertiveness will be more likely to report negative treatment in court than gender nonconforming individuals who
scored low in assertiveness. Conversely, gender conforming participants who scored high in assertiveness will be more likely to report positive experiences in court than will gender conforming participants who score low in assertiveness.

After calculating the z-score for each predictor variable, a 3-step multiple regression analysis was conducted to test the potential interaction between GNC and assertiveness on TIC. In the first step, GNCS was entered as a predictor and TIC as the outcome variable. As reported in the results for Hypothesis 2.1, this step of the model was statistically significant. In the second step, I entered GNCS and assertiveness as predictors of TIC. This two-predictor model was also statistically significant, \( F(2, 58) = 4.23, p < .05 \). However, although GNCS remained significant predictor in this model, assertiveness was not a statistically significant predictor in this model, \( b = .28, t(61) = 1.33, p > .05 \). In Step 3 of the regression model, GNCS, assertiveness, and a GNCS x assertiveness interaction term were entered as predictor variables. This model was statistically significant, \( F(3, 57) = 2.90, p < .05 \). However, none of the predictors in the model was significant (see Table 18 for regression coefficients). Therefore, this hypothesis was partially confirmed. Gender conforming participants reported higher TIC scores if they were high versus low in assertiveness. However, contrary to my predictions, gender nonconforming participants who were low in assertiveness did not report experiencing better treatment than the GNC participants who were high in assertiveness did. GNC participants’ scores remained the same, regardless of whether they were assertive or not. Figure 3 shows the interaction between assertiveness and gender nonconformity and their effect on Treatment in Court scores.
Figure 7. Line graph showing the effects of the GNC x Assertiveness on treatment in court scores.

Hypothesis 2.4: GNC x Assertiveness x Natal Sex

For the three-way interaction, it was expected that sex would not affect the two-way interaction between GNC and assertiveness. In other words, regardless of sex, GNC people would be punished if they were also assertive and that GC people would be rewarded if they were assertive. The combination of these predictor variables netted seven potential effects: three main effects (GNC, assertiveness, and sex), three two-way interaction effects (GNC x assertiveness, GNC x natal sex, and assertiveness x natal sex), and one three-way interaction effect (GNC x assertiveness x sex).
Table 18.

Summary of Hierarchical Regression Analysis for GNCS and Assertiveness Predicting Treatment in Court (N = 61)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
</tr>
<tr>
<td>GNCS</td>
<td>-0.60*</td>
<td>0.23</td>
<td>-0.31</td>
</tr>
<tr>
<td>Assertiveness</td>
<td>0.28</td>
<td>0.21</td>
<td>0.17</td>
</tr>
<tr>
<td>GNCS x Assertiveness</td>
<td>-0.16</td>
<td>0.27</td>
<td>-0.08</td>
</tr>
<tr>
<td>$R^2$</td>
<td>.08</td>
<td></td>
<td>.09</td>
</tr>
<tr>
<td>$F$ for change in $R^2$</td>
<td>6.60*</td>
<td>1.77</td>
<td>.35</td>
</tr>
</tbody>
</table>

*Note: The z-scores for Assertiveness and GNCS were used in the regression equation.*

*p < .05.
The full, seven-predictor model was statistically significant, $F(7, 53) = 4.31, p < .05$. The only statistically significant predictor in the seven step model was the three-way interaction GNC x assertiveness x natal sex, $b = -.98, t(61) = -4.22, p < .01$. See Table 19 for regression coefficients for steps one through seven. The seven-predictor model accounted for 28% of the variance in TIC scores. The prediction for the three-way interaction was not confirmed. Instead, as depicted in Figure 4, there were two different crossover interactions between GNC and assertiveness that were dependent upon the participant’s sex. First, females who were GNC (masculine) received better treatment if they were assertive than if they were passive. Alternatively, females who were GC (feminine), received better treatment if they were passive than if they were assertive. Second, males who were GNC (feminine) reported better treatment if they were passive than if they were assertive. In contrast, males who were GC (masculine) reported better treatment if they were assertive than if they were passive (See Figure 4). Figure 4 was produced using an Excel worksheet from www.jeremydawson.co.uk/slopes.htm. This Excel worksheet was designed to assist in interpreting three-way interaction effects by using procedures that were recommended by Dawson and Richter (2006) and Dawson (2013).

Summary

The predominantly LGBTQ sample in Study 2 provided greater insight into the personality characteristics that affect LGBTQ participants in court. The effects of gender nonconformity were pervasive and interacted with two additional predictor variables: sex and assertiveness. In the analyses reported above the effect of GNC was stronger than that of LGBTQ identity. This finding supports the results of Study 1 and suggests that LGBTQ identity alone does not result in disparate treatment in court. Additionally, the correlation between the
Table 19.

*Summary of Hierarchical Regression Analysis for Variables Predicting Treatment in Court (N = 61)*

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1</th>
<th></th>
<th></th>
<th>Model 2</th>
<th></th>
<th></th>
<th>Model 3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>B</td>
<td>SE B</td>
</tr>
<tr>
<td>Natal Sex</td>
<td>0.03</td>
<td>0.20</td>
<td>0.02</td>
<td>-0.03</td>
<td>0.20</td>
<td>-0.02</td>
<td>0.08</td>
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<tr>
<td>GNC</td>
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<td>-0.22</td>
<td>-0.10</td>
<td>0.25</td>
<td>-0.06</td>
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<td></td>
</tr>
<tr>
<td>Assertiveness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.45*</td>
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<td></td>
<td>.01</td>
<td></td>
<td></td>
<td>.06</td>
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</tr>
<tr>
<td>F for change in R²</td>
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<td></td>
<td></td>
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<td>4.14</td>
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<table>
<thead>
<tr>
<th>Variable</th>
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<th>Model 5</th>
<th>Model 6</th>
<th>Model 7</th>
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</thead>
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<td>β</td>
<td>B</td>
</tr>
<tr>
<td>Natal Sex</td>
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<td>0.05</td>
<td>0.08</td>
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<tr>
<td>GNCS</td>
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<td>0.25</td>
<td>-0.06</td>
<td>0.28</td>
</tr>
<tr>
<td>Assertiveness</td>
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<td>0.22</td>
<td>0.28</td>
<td>0.44</td>
</tr>
<tr>
<td>Natal Sex x GNCS</td>
<td>0.17</td>
<td>0.25</td>
<td>0.09</td>
<td>0.18</td>
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<tr>
<td>Natal Sex x Assertiveness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GNCS x Assertiveness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R²</td>
<td>.05</td>
<td></td>
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<td>.04</td>
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<tr>
<td>F for change in R²</td>
<td>.46</td>
<td></td>
<td></td>
<td>.01</td>
</tr>
</tbody>
</table>

*Note:* The z-scores for Assertiveness and GNCS were used in the regression equation. *p < .05. **p < .01.*
gender presentation and assertiveness was congruent with the relationship evidenced by previous research: as feminine presentation increased, so did participants’ self-ratings of assertiveness.

![Bar graph displaying the effects of the GNC x assertiveness x sex interaction on treatment in court scores.](image)
Chapter 7: Discussion

In this chapter, I discuss the findings from both Study 1 and Study 2 and posit the implications of this research. The findings are reviewed in the context of previous literature on LGBTQ individuals, GNC, and sex-typed differences in interpersonal behaviors such as assertiveness. Additionally, I discuss the limitations in generalizability of this research to populations that were not represented proportionally in this sample. Finally, I propose directions for future research on gender nonconformity in both LGBTQ and non-LGBTQ populations.

Study 1 Discussion

Study 1 sought to test two main effects and an interaction effect of LGBTQ identity and GNC on treatment in court (TIC).

Hypothesis 1.1: LGBTQ Identity

First, I hypothesized a main effect of LGBTQ identity such that LGBTQ participants would be more likely than non-LGBTQ participants would be to report having negative treatment in court. Study 1 data did not support this hypothesis. Overall, LGBTQ participants scored lower on the TIC than non-LGBTQ participants did; but this finding was not statistically significant.

Hypothesis 1.2: Gender Nonconformity

Hypothesis 1.2 was confirmed by a statistically significant linear regression that indicated that gender nonconforming individuals were more likely to report having negative experiences than gender conforming participants. As participants GNCS scores increased, so did their reports of negative treatment in the court. One of the GNCS subscales, Style of Speech, reached significance as a predictor of treatment in court.
Hypothesis 1.3: LGBTQ x GNC

Study 1 results also supported the hypothesized interaction effect between GNC and LGBTQ identity on TIC scores. LGBTQ participants who were highly gender nonconforming reported the worst treatment. As LGBTQ participants’ GNC increased, their treatment in court scores decreased. This same pattern was observed with non-LGBTQ participants; however, the effect was much weaker for non-LGBTQ participants than it was for LGBTQ participants.

This interaction effect must be interpreted with caution because of the confound of higher rates of GNC among LGBTQ as compared to non-LGBTQ individuals. Both groups’ GNC scores were positively skewed; however, none of the non-LGBTQ participants scored higher than the midpoint on the GNC scale, which is what would be expected from cisgender heterosexuals (see Forbes & Nadal, under review). Summarily, the difference between how GNC non-LGBTQ participants and GC non-LGBTQ participants were treated in court was negligible.

Alternatively, LGBTQ participants scores, though positively skewed, ranged from the lowest possible GNC score to the highest possible GNC score. This range highlighted the importance of GNC in determining treatment in court. In fact, gender conforming LGBTQ participants reported TIC scores that were comparable to the non-LGBTQ participants’ TIC scores. This finding suggests that if an individual is gender conforming their LGBTQ identity will not have a distinct, negative effect on the treatment they receive in court.

Study 1 Conclusions

Study 1 provided an initial examination of LGBTQ experiences with the courts and one predictor of treatment in court for both LGBTQ and non-LGBTQ individuals. Study 1 results suggest that the role of gender nonconformity is more important than originally hypothesized. Gender nonconformity increased the likelihood that Study 1 participants would report negative
experiences in court. Study 1 did not provide evidence that LGBTQ identity was a significant predictor of negative treatment in court.

The results from Study 1 begin the exploration of gender nonconformity as a cause for discrimination among sexual minorities. Although the results of this study are compelling, they do not provide enough evidence to conclude that discrimination against LGBTQ individuals only occurs when GNC is evident. For example, discrimination occurs by default for individuals in same-sex relationships who cannot be legally married in their state of residence. Additionally, non-LGBTQ individuals commit microaggressions against LGBTQ individuals without having personal contact (Nadal, Wong, Issa et al., 2011). Other forms of systematic discrimination and stereotypes of LGBTQ individuals can have negative mental health consequences in contexts that do not involve interpersonal interactions. Regardless of the role of LGBTQ identity, the results of this study suggest that GNC should receive a greater amount of attention among scholars conducting research with both LGBTQ and non-LGBTQ populations.

Study 2 Discussion

Study 2 investigated the role of assertiveness in court experiences as well as the way in which assertiveness interacts with gender nonconformity and sex to affect how individuals are treated in court. Study 2 was not concerned with the role of participants’ LGBTQ identity in their court experiences. Based on the results of Study 1, I did not expect to find a significant main effect of LGBTQ identity on participants’ treatment in court scores in Study 2. Nevertheless, I analyzed Study 2 data to test whether LGBTQ individuals would report having experiences in court that were negative compared to non-LGBTQ individuals’ experiences. Study 2 replicated the finding in Study 1. There was no statistically significant difference between TIC scores for LGBTQ versus non-LGBTQ participants. This finding does not preclude the generalization of
the reported results to the LGBTQ population. On the contrary, the strength of the relationship between LGBTQ identity and gender nonconformity confirms that GNC is an important variable in the study of LGBTQ individuals’ experiences in court.

**Hypothesis 2.1: Gender Nonconformity**

It was hypothesized that there would be a main effect of gender nonconformity on treatment in court. Specifically, as participants’ GNCS scores increased, their treatment in court scores would decrease. This hypothesis was confirmed; higher levels of gender nonconformity led to increased discrimination in the court setting.

**Hypothesis 2.2: Assertiveness**

Hypothesis 2.3 stated that there would be a statistically significant effect of assertiveness on treatment in court such that as an individual’s level of assertiveness increased, their ratings of treatment in court would also increase. That hypothesis was confirmed; highly assertive participants reported having better experiences in court than participants who were low in assertiveness.

**Hypothesis 2.3: Assertiveness x GNC interaction**

GNC and assertiveness each had a statistically significant main effect on TIC scores. It was predicted that these variables would interact such that GNC individuals would be punished for their assertiveness while gender conforming individuals would be rewarded for their assertiveness. This hypothesis was not supported. There were two main effects but there was no statistically significant interaction effect between assertiveness and gender nonconformity. For both groups, gender conforming and gender nonconforming, assertiveness was rewarded. Likewise for assertive and nonassertive participants, gender nonconformity was punished.
Hypothesis 2.4: Assertiveness x GNC x sex interaction

Research on gender role norms and assertiveness suggest that the expectations of assertiveness are different for males than they are for females (Burgess & Borgida, 1999; Prentice & Carranza, 2002; Rudman & Glick, 2001)). In general, males are expected to be assertive and women are expected to be passive. In other words, masculinity and assertiveness are two gender role norms for men. The wealth of research that combines gender role norms and expectations of assertiveness has not used an LGBTQ population or GNC males and GNC females. Before the present research, it was unknown how assertiveness was perceived in the context of gender norms. In other words, it was not possible to conclude if assertiveness is an expectation of males or if it is an expectation of individuals who behave in masculine manner. Likewise, it could not be discerned whether passivity was expected of females or if expectations of passivity were function of an individual’s overall gender presentation. The Study 2 sample of both GNC and GC individuals allowed for a well-suited method for testing these theoretical questions.

Through a hierarchical linear regression, it was discovered that only one portion of Hypothesis 2.4 was supported. For males, those who were assertive and masculine reported better experiences than males who were either, passive, feminine, or both passive and feminine. These assertive, GC men conformed to both gender norms of interest by scoring high on both assertiveness and masculinity (gender conformity). However, the other seven parts of Hypothesis 2.4 were not supported.

Hypothesis 2.4 - Crossover Interactions

Two distinct crossover interactions indicated that there was, in fact, a three-way interaction between GNC, sex, and assertiveness. First, females who scored low in gender
nonconformity and low in assertiveness experienced better treatment than females who were low in GNC but high in assertiveness. This indicates that, according to these participants’ experiences, the behavioral/sex incongruity of being an assertive female was not excused and assertiveness was not rewarded. A similar pattern of punishment for behavioral/sex incongruity was observed with males. Males who scored low on GNC and low in assertiveness, a behavioral/sex incongruity, reported worse treatment than the aforementioned males who were both assertive and masculine.

The other type of behavioral/sex incongruity that was tested in this analysis occurred when masculinity was observed in a female’s gender presentation or femininity is observed in a male’s gender presentation. A different pattern of interaction between sex and assertiveness for gender nonconforming participants was observed than what was described for the gender conforming participants in the previous paragraph. Specifically, the GNC participants illustrated the way in which gender and assertiveness interact to affect treatment in court was contingent not upon their sex but upon how that individual presents their gender identity. For example, feminine, passive males reported better treatment in court than feminine, assertive males did. Likewise, masculine, assertive females reported experiencing better treatment in court than masculine, passive females did. The results of this three-way interaction indicate that individuals will receive better treatment in court if they behave in assertive ways that are congruent with their gender presentation (i.e., masculine or feminine) and as opposed to behaving in assertive ways that are incongruent with their sex.

**General Discussion**

There has been no previous research on the treatment that LGBTQ individuals receive in court. However, other research on discrimination indicates that LGBTQ individuals experience
everyday discrimination because of their gender identity or sexual orientation identity (Nadal, Wong, Issa et al., 2011). Typically, these experiences cannot occur without the context of an individual’s gendered appearance or behaviors. The reasons why lesbians who dress in traditionally masculine clothing, or gay males that speak in a traditionally feminine style and subsequently encounter discrimination are not easily differentiated. The results of this research suggest that individuals whose personality, dress, or speech styles that are outside an expected norm will encounter discrimination regardless of their gender identity or sexual orientation.

The results of the statistical analyses that are reported in this dissertation are useful in understanding some of the factors that affect treatment in court for LGBTQ individuals, as well as for non-LGBTQ individuals. Overall, data was collected from a diverse sample of individuals who had a variety of experiences in court. It is important to note that this sample was not overrepresented by individuals who had negative experiences with the courts; the overall mean, across participants was above neutral. This indicates, overall, that participants reported information about experiences in which they were treated in an “average” or “slightly above average” manner.

LGBTQ participants were not statistically significantly different in femininity or masculinity than were the non-LGBTQ participants in either study. However, there was a consistent and expected difference in gender nonconformity between LGBTQ and non-LGBTQ participants. LGBTQ participants scored higher in GNC than non-LGBTQ participants. These higher levels of gender nonconformity were accompanied by lower ratings of treatment in court. Across both studies, it was found that gender nonconformity was a statistically significant predictor of treatment in court; gender nonconformists were more likely to report having negative experiences in court than were individuals who were gender conforming.
The finding of no statistically significant effect of LGBTQ identity may suggest that the discrimination that LGB or individuals with a queer sexual orientation often encounter is influenced by their gender nonconformity and not by their minority-group membership or sexual orientation identity. The range of gender nonconformity that was observed among cisgender heterosexuals was small, as many of these individuals reported that they present in a gender conforming manner in most aspects of their life. It is possible the moderate to high values of gender nonconformity, only observed in LGBTQ individuals, are the most accurate predictors of experiencing discrimination.

Assertiveness also emerged as a predictor of treatment in court. Individuals with masculine gender presentation reported better court experiences if they were highly assertive rather than highly passive. Passive masculine presenting individuals, male and female, reported lower ratings of their court experiences than did passive feminine presenting individuals.

The present research contributes to the study of gender nonconformity and lends credence to the theory that the construct of gender exists along spectrum that is comprised of gender-typed behaviors enacted by both men and women.

Implications

Presenting Femininity and Masculinity

In this project, the influence of masculinity and femininity on participants’ court outcomes was dependent on that individual’s sex as assigned at birth. In other words, gender nonconformity was an important predictor in LGBTQ participants’ experiences in court. Traditionally, males and females report differential outcomes in situations that involve agentic behavior or encounters with authoritarian agencies like the courts. In this project, there were no blanket advantages of being born male, nor were there any advantages that could be attributed
solely to the individual’s presenting as masculine. Participants reported treatment that modeled punishment for their gender nonconformity regardless of whether they were male or female. Neither of the binary gender identities (i.e., male vs. female) or gender presentations (i.e., masculine or feminine) was favored over the other suggesting that gender conforming men and women have similar status and should not experience sex-typed discrimination in the courts.

Research on attitudes toward transgender individuals also supports the theory that anti-gay prejudice is statistically significantly correlated with attitudes toward gender nonconformity (Norton & Herek, 2013). In a recent study with a cisgender heterosexual sample, attitudes toward LGB individuals were positively correlated with attitudes toward transgender individuals (Norton, & Herek, 2013). However, participants’ negative attitudes about transgender people were, on average, greater than their negative attitudes toward gays-lesbians. Unfortunately, the study’s methodology does not allow for an elaboration about which set of characteristics cisgender heterosexuals find unappealing in transgender people but not in LGBQ. Norton and Herek (2013) used one item to assess attitudes about transgender individuals: “Using a scale from zero to 100, please tell us your personal feelings toward the following groups,” and listed lesbians, gays, and transgender people. It is unfortunate that this measure did not provide more than a single word to describe and elaborate for the participants, what the authors meant by “transgender people.” Therefore, individuals who do not know or understand who “transgender people” might have reported their opinion of the word, “transgender” rather than their attitudes toward characteristics that are hallmarks of transgender identity such as GNC. Fortunately, the study provides information about attitudes toward one aspect of opinions toward gender fluidity and nonconformity: endorsement of binary classifications of gender. Cisgender heterosexuals who favored a binary conceptualization of gender were more likely to hold negative attitudes
toward transgender individuals than were cisgender heterosexual individuals who demonstrated some endorsement of non-binary or fluid conceptualizations of gender. Furthermore, social responses to gender nonconformity (GNC) occur in the subcontexts of interpersonal, societal, and intrapersonal. Research on gender should allow for extrapolation to these important subcontexts. As the social construct of gender expands beyond self-concept, the way that gender is researched should coincide with the cultural realities of individuals who were born as a gender with which they do not identify.

In the summer of 2013, DOMA was found by the Supreme Court to be unconstitutional and made it such that same-sex couples could be legally married and enjoy the benefits of marriage (United States v. Windsor, 2013). The data from this project were collected over a two-year period that hosted dynamic changes in civil rights for LGBTQ people. The experiences that participants from Study 1 and Study 2 reported suggest that GNC was a more distinct predictor of treatment in the court settings than was LGBTQ identity. These findings may be interpreted in a number of ways. First, there may be evidence of a shift in discrimination from overt behaviors that can be distinctly identified as anti-gay, to more subtle behaviors that are ambiguously tied to gender role expectations in each context. Future research should explore anti-gay attitudes and behavior in combination with anti-GNC attitudes and behaviors. It is likely that, similar to the shift from overt to subtle expressions of racism (McConahay, 1986), our society is undergoing a shift from overt to subtle anti-gay and transphobic discrimination. Additionally, according to this dissertation, the likelihood of that anti-gay or transphobic discrimination occurring is contingent upon the level of GNC in the target of that discrimination. Future research with cisgender individuals about anti-LGBTQ attitudes should incorporate GNC tolerance measures so that the measurement of biases toward sexual minorities is not confounded with attitudes about gender
nonconformity. Additionally, an experimental paradigm in which the GNC of a person is manipulated could help explain the threshold of GNC intolerance that leads to negative treatment.

Recently, Thomas and Blakemore (2013) found that adults believed that children’s gender-typed behavior would remain stable throughout that child’s lifetime; regardless of whether those behaviors were gender nonconforming or not. Participants’ assessments of the persistence of gender nonconformity from childhood into adulthood provided insight on personality characteristics that are associated with gender presentation rather than natal gender. For instance, participants predicted that throughout their life and in adulthood, boys and girls who presented femininely were more likely to suffer with the mental illnesses that are more often diagnosed in cisgender women than in cisgender men (i.e., anxiety and depression) than were boys or girls who were described as exhibiting masculine-typed or non-feminine behaviors. Conversely, participants predicted that boys or girls who were described as behaving in traditionally masculine ways were more likely to exhibit behavioral disorders that are more frequently diagnosed in boys than in girls (i.e., aggression and conduct disorder) than the non-masculine or feminine boys and girls were. Participants’ expectation of congruency between gender presentation and stereotyped psychopathology provides further evidence of the importance of consistency across gender-typed behaviors.

**Assertiveness as a Form of GNC**

Buhrmester and colleagues (1988) advocated separating assertiveness into constructs of interpersonal competence; including, interpersonal competence in romantic relationships. This paradigm translated some of those aspects of interpersonal competence into constructs that were related to masculinity and femininity. More simply, judgments of interpersonal competence
depended on the gender of the subject as well as the gender of the person with whom they were interacting. Some researchers have questioned the validity of assertiveness measures like the Interpersonal Competence Questionnaire (ICQ) developed by Buhrmester and colleagues (1988) (Thompson & Berenbaum, 2011). One item on the ICQ relates to initiating conversations with someone that the subject finds attractive (Buhrmester et al., 1988). First, that item question does not discriminate between initiating conversation for the purpose of asking someone to join you or a romantic date and initiating the conversation for some other, non-romantic purpose. Second, according to traditional social norms for heterosexuels, it is more appropriate for a male to ask a female out on a date than it is for a female to ask a male (Conley, Moors, Matsick, Ziegler, & Valentine, 2011; Laner & Ventrone, 2000; Rose & Frieze, 1989). Following, this measurement of assertiveness directly links heterosexual norms to assertiveness, which further contaminates the construct validity of the ICQ in an LGBQ sample. Additionally, because of the structure of the test items, gender nonconforming behavior would alter an individual’s score on the assertiveness measure. For instance, Buhrmester and colleagues (1988) found that women were more likely than men to be assertive on “negative assertion competence” items. Those items included statements like, “telling a companion you don’t like a certain way he or she has been treating you.” This statement is bound by traditional gender norms in that women are seen as being more expressive about their emotions than are men. Therefore, a male who scored high on the negative assertion items could be classified as gender nonconforming. This important link between assertiveness and GNC may have manifested in the results of the dissertation and may manifest in other settings outside of interpersonal relationships.

Perceptions of assertive messages are evaluated differently when individuals believe that the statement comes from a man rather than from a woman. Wilson and Gallois (1985) found
that, in an experimental paradigm, messages participants believed were sent by men were rated as more assertive than were messages participants believed were sent from women. Additionally, the messages that participants were told had been sent to women were rated as more assertive than the messages that were sent to men. This means females were perceived as less dominant in both scenarios; males can assert power over females but females are not allowed to assert power over males. The present study provides insight on how others perceive assertive behaviors and their opinions of males and females. These results compliment my conclusions that assertive behaviors and perceptions of assertive behaviors have inseparable roots in societal gender norms.

Wade (2001) suggested that reports of gender differences in assertiveness present in research because women have learned that behaving in an overt assertive manner can result in punishment. Therefore, assessing men and women’s assertiveness, without accounting for the context of gender, may not access the construct on an appropriate plane. Wade proposed that the same gender norms that influence perceptions of assertiveness could affect outcomes of salary negotiations for women. She argued that previously reported salary disparities between men and women in positions that require high levels of education and experience occur because of employers’ reactions to requests of salary increases from men and women. Employers are more likely to grant salary increase requests from men than from women. Wade theorized that this greater likelihood for salary increases for men is related to gender role norms. A salary increase request is an example of an assertive behavior and counter to gender role norms for women. Therefore, Wade hypothesized, women are denied salary increases because their self-advocacy is a gender nonconforming trait for women (2001).
GNC versus LGB as a Minority Identity

As previously mentioned, the present study did not produce evidence of discrimination in court settings against individuals who were lesbian, gay, bisexual, or of a queer or self-identified sexual orientation. The present research suggests that, after controlling for gender nonconformity, researchers may find that the incidence of discrimination against LGBTQ individuals is greatly reduced and may even be eliminated. In previous research on disparities in discrimination between cisgender heterosexuals and LGB, only two percent of cisgender heterosexuals reported experiencing discrimination related to their sexual orientation while 42% of the LGB participants reported experiencing discrimination that was due, at least in part, to their sexual orientation (Mays & Cochran, 2001). However, the remaining 58% of the LGB participants in that study reported that the discrimination that they experienced was not related to their sexual orientation (Mays & Cochran, 2001). It is not easily discernable from studies that do not employ measures of gender nonconformity, whether the reported disparities in discrimination between LGB and cisgender heterosexuals are related to sexual orientation or to how sexual orientation is presented or expressed in gender-linked behaviors.

It is curious that the majority (58%) of the participants in Mays and Cochran (2001) did not report experiencing some type of sexual orientation based discrimination. However, this finding is not uncommon. Another study with gay and bisexual men reported that 63% of participants did not report experiencing sexual orientation based verbal harassment, discrimination, or physical violence in the six months preceding their participation in the research (Huebner, Rebchook, & Kegeles, 2004). This indicates that there is not an overwhelming majority of LGB people that are experiencing discrimination solely because of their sexual orientation. As evidenced by the present study, however, the variability that exists
among LGB people that does not exist among cisgender heterosexuals has a profound effect of the likelihood of experiencing discrimination. Following, the majority of LGB participants’ are not reporting the type of discrimination that is seen more often in LGB than in cisgender heterosexuals. Considering the findings of the present study and previous research, the degree of GNC is a strong determinant of whether an LGB individual will experience sexual orientation based discrimination.

Consistent with this line of thinking, Ragins and Cornwell (2001) argued that discrimination research with LGB individuals is likely to yield misleading results if the degree to which the participant has disclosed their sexual orientation identity, or has “come out,” to others is not considered. This inference has been supported by previous research involving LGB experiences of discrimination in their personal or private lives and in the workplace. Huebner and colleagues (2004) found that LGB men who were “out to half or fewer” (p. xx) people in their lives were less likely to report verbal harassment and discrimination than LGB men who were “out to more than half” (p. xx) of the people in their lives. Ragins and Cornwell (2001) reported that LGB participants who reported having disclosed their sexual orientation at their place of employment were more likely to report experiencing discrimination than individuals who were not “out” at work. People who are “more open” about their sexual orientation in their workplace report higher rates of discrimination than people who are “less open” about their sexual orientation in the workplace (Croteau, 1996). In other words for lesbian, gay, and bisexual people, passing as heterosexual was associated with encountering less discrimination than not passing.

While literature about LGBTQ experiences is burgeoning, there has been little attention paid to the description or definition of “passing”. It is understood that passing involves an
individual not preventing other people from perceiving hir as a cisgender heterosexual (Seidman, Meeks, & Traschen, 1999). One study that evaluated how adolescents coped with sexual orientation based discrimination revealed that they “passed” by conforming to expected gender norms (Hetrick & Martin, 1987). Hetrick and Martin found that the adolescents defined their passing as monitoring and conforming the way that they walk, dress, and speak as a precaution to avoid being “outed” as LGB. Additional research about the ways in which some LGBTQ people adapt their behaviors to present as a cisgender heterosexual identity will help discern the actual role and weight of gender nonconformity in the discriminatory experiences of LGBTQ versus non-LGBTQ people. Defining the behavioral characteristics, gendered or not, that are required to pass could help to uncover motives and origins of the systematic stigmatization of LGBTQ identity.

Considering this important role of GNC in LGB based discrimination, one could argue that discrimination against transgender individuals and the transgender experience in general must be studied separately from sexual orientation based discrimination. The consolidation of LGBTQ identities in empirical research and advocacy has led to increased visibility for the distinct experiences that transgender and genderqueer people have. However, there are still some society-wide misconceptualizations about the sexual behaviors of transgender and genderqueer people and about the gendered behaviors of LGB people. For instance, in 1997 a study involving a majority-heterosexual sample, between 70-85% of participants believed that “transvestite” was a stereotypic attribute of gay males (Madon, 1997). Additionally, many people believe that transgender people are gay/lesbian when, actually, they are more likely to identify with a heterosexual sexual orientation (National Center for Transgender Equality, 2009). Moreover, the mental health consequences of a transgender or genderqueer identity are much higher than that of
a LGBQ identity (National Center for Transgender Equality, 2009). The present research found that the differences in gender nonconformity that were observed between transgender/genderqueer and cisgender LGBQ groups are lower than the gender nonconformity between transgender/genderqueer and cisgender heterosexuals. The differences between cisgender LGBQ and transgender/genderqueer are statistically significant. If GNC is related to discrimination, and transgender/genderqueer individuals present with significantly higher levels of GNC than cisgender LGBQ do it is important to separate these groups when investigating LGBTQ based discrimination.

Despite consistent evidence that GNC is a major contributing factor for LGBTQ discrimination, not conforming to societal norms about gender may still be a secondary factor in predicting the incidence of discrimination for LGBTQ people. In many instances, gender nonconformity is an indication of membership in the stigmatized and marginalized LGBTQ group. This physical or nonverbal indication of minority status is similar to that inherent to people of color. Visual indications of membership to a stigmatized group can promote the salience of differential social statuses and result in discriminatory behaviors enacted by the group that occupies a higher social status (Sachdev & Bourhis, 1991). It is important to be able to determine the source of the stigmatization against LGBTQ people. However, if minority group membership is as salient as an individual’s gender nonconformity, it will be difficult for researchers to conclude with high degrees of certainty that the perpetrators of discrimination are responding solely to an individual’s GNC, their sexual orientation, another motive that is a combination of both factors, or some other reason.

Thomas and Blakemore (2013) provided additional evidence that gender nonconformity primes minority sexual orientation. Individuals’ assessments of adult outcomes for childhood
gender nonconformity included the increased likelihood that the GNC child will favor same-sex romantic relationships over opposite-sex romantic relationships, and that there would be no fluidity or fluctuations in their sexual orientation over their lifetime (Thomas & Blakemore, 2013). In addition to using GNC to predict the child’s sexual orientation, participants also expected that GNC would increase instances of discrimination and pressure to conform to gender norms. The way in which participants used GNC to predict discrimination reinforces the idea that, although GNC and sexual orientation are separate constructs, the theories and research regarding sexual minorities must include measures or manipulations of gender nonconformity.

According to the present study, in the context of court outcomes, the effectiveness of an individual’s assertive behavior is greatly affected by zir gender presentation. Gender nonconforming individuals benefit from engaging in gender nonconforming levels of assertiveness. In other words, feminine males and masculine females benefitted from having levels of assertiveness that were gender typed for the opposite sex. Feminine males who were low in assertiveness reported better treatment that feminine males who were high in assertiveness. The extrapolation of these findings to other research paradigms could help examine discriminatory experiences outside of the courtroom setting. For instance, responses to other behaviors for which researchers have found sex differences (i.e., expressions of affection), may be influenced more by an individual’s gender presentation than by their sex. There are many past studies in social and interpersonal behaviors that have used sex as a predictor variable (see Carli, 2001 for a review). As research expands to include participants who are diverse in their sexual orientation, gender identity, and gender presentation, so too should the way that researchers conceptualize “sex” differences. By including gender nonconformity in these
examinations of sex differences researchers may increase the applicability of their findings to non-cisgender, non-heterosexual individuals.

Limitations

The goal of the current project was to inform the research community of the types of experiences that LGBTQ individuals have in court and of the treatment they receive during those court experiences. The scope of this project was bound by a few notable limitations. First, I wanted to gather information that could provide valuable and honest information from an LGBTQ sample about their legal experiences. The value of this data is accompanied by participant concerns that disclosure of information about a current or pending court case could result in sanctions by the court or could possibly damage the participants’ chance at having a favorable court outcome. Therefore, I provided participants with complete anonymity by not recording any personally identifiable data (i.e., name or email address) from or about them that they did not explicitly share in their answers to the survey questions. The method through which I provided this anonymity precluded being able to ask follow-up questions about unclear or incomplete responses to items like, gender identity and sex. For instance, I was unable to use the data from the participants who identified as genderqueer and did not provide any information about their sex as assigned at birth or transgender identity. Other limitations associated with the internet sample include being unable to calculate an exact response rate. The survey link was sent to over 1500 emails, which included 317 different LGBTQ support or social groups. It is unclear how frequently the link was forwarded to others and how many people were subscribed to LGBTQ list servers that distributed the survey link. The inability to calculate an exact response rate means that it is possible that there are self-selection and/or sample bias issues that were not investigated or addressed within this study.
The decision to offer participants anonymity instead of compensation may have affected this data in two ways. First, assurances of anonymity can alleviate participants concerns about sharing information about ongoing legal cases. Research examining disclosure in online surveys found that participants were more likely to disclose information if they felt their privacy would be protected by the researchers (Joinson, 1999; Joinson, Reips, Buchannan, & Schofield, 2010). Second, providing the participants with complete anonymity precludes the researcher’s ability to provide financial or other types of incentives that are not inherent in participation. It is likely that if financial compensation were offered to participate in the study there may have been a larger sample for Study 2. More specifically, an offering of compensation may have increased the diversity of the sample to increase the number of transgender and genderqueer participants. Transgender and genderqueer participants are particularly important in studies like the present research because they may express higher levels of gender nonconformity, according to their sex, than the other cisgender males and cisgender females. Despite having a limited number of participants in Study 2, the results were statistically significant and, for the most part, replicated the findings of Study 1. In short, the anonymous nature of the study may have led to a smaller quantity of participants but it allowed me to gain depth in the quality of information that participants were willing to share.

The sample size in Study 2 was much smaller than what was suggested by the a-priori power analysis. However, a post-hoc power analysis revealed that on the basis of the probability level of $p < .05$, having seven predictors in the regression model, the observed $R^2$, and the sample size, the observed statistical power for Step 7 in Hypothesis 2.4 was .95; well above the .80 that is recommended by Cohen (1988). This data provides further support to the theory that assertiveness can sometimes function as a form of gender nonconformity.
There were a few caveats to the statistical analyses employed within this dissertation that have notable limitations. First, the distributions of participants’ scores on the continuous variables in this project: GNC, assertiveness, and treatment in court each violated the assumption of regression analyses that the data be normally distributed (Aiken & West, 1991). The GNCS scores were calculated by reverse-coding the GPS scores, which were normally distributed. However, participants’ scores on the GNCS were negatively skewed in both samples. Participants were, on average, low on gender nonconformity. This skewness in the distribution of GNCS scores was expected and modeled the low incidence of gender nonconformity in the general population. The distribution of assertiveness scores was also skewed; no participant scored lower than three on the 1 to 7 scale; producing a negative skew in scores. In addition to the skewness of the assertiveness variable, the restriction in the range of scores was not expected and is likely the consequence of the small sample size in Study 2.

It is unclear if the self-report nature of the GPS, TIC, and Assertiveness scales affected the outcome of the analyses. As mentioned in the above literature review, self-reports of assertiveness may not remain consistent across rating methods (Burkhart, Green, & Harrison, 1979; Thompson & Berenbaum, 2011). In other words, different formulations of assertiveness self-assessments may not produce consistent levels of assertiveness. However, research does suggest that within one measure of assertiveness, self- and other-reported scores would be congruent (Burkhart et al., 1979). Despite this consistency between self-reported and other-reported assertiveness scores, there is no data to suggest that there are systematic consistencies or inconsistencies between self- and other-reported scores on gender presentation or treatment received in court. This experiment was designed to gather information about the personal experiences and perceptions of the participants; therefore, generalization of the data discussed
herein should be done with caution and consideration of the method by which the data was collected.

The data collected in this project was not coded to analyze whether individuals whose court experiences involved disclosure of their sexual orientation or gender identity are more likely to experience discrimination than individuals whose gender identity or sexual orientation is not made salient during their court experience. Nor, was there information about the location of the participants. In some states and territories, the rights of LGBTQ individuals are less restricted (i.e., laws banning same sex marriage) than in other areas of the United States. Therefore, LGBTQ participants with experience in New York Courts, where there is no ban on same sex marriage, may report having received better treatment than LGBTQ participants in Mississippi, where there is a ban on same sex marriage. The confounding of GNC with LGBTQ identity, and the lack of empirical research comparing the experiences of GNC and GC LGBTQ significantly reduces the type of predictions that researchers can make about the role of GNC in discrimination against LGBTQ. More importantly, the levels of GNC were so low in the non-LGBTQ sample that GNC and LGBTQ identity are arguably confounded. However, there was no effect of increased discrimination for gender conforming LGBTQ compared to gender conforming non-LGBTQ individuals.

Future Research

The presence of unanswered questions about gender nonconformity and LGBTQ discrimination suggests that there is an abundant need for research with gender nonconforming populations. Logical extensions of the present research would include using the GNCS measure to test the relationship between gender nonconformity and different types of discrimination. LGBTQ identity may not always be salient to other public settings. In court, however, an
individual may be there to resolve an issue that is directly related to their gender identity or sexual orientation. For example, a transgender individual may experience more discrimination in court when they are there to change their name or gender on their birth certificate. In instances like these, where the gender nonconformity is, essentially, their reason for going to court, people may be more likely to experience overt discrimination or maltreatment. The most overt discrimination may come when court officers and judges are forced to acknowledge and resolve legal issues that are directly related to an individual’s nonconforming gender expression. Future research could parse out the differences in experience according to the role that LGBTQ identity had in the court visit.

Many social science studies have evidenced that interpersonal contact is a predictor of bias against a members of an outgroup (see Hewstone & Swart, 2011 for a review). The Contact Hypothesis (Alport, 1954) states that increased and diverse contact with outgroup members is associated with a reduction of an individual’s negative opinions of that group. Therefore, in addition to using measures of GNC in future research, some authors advocate measurement of GNC tolerance or acceptance to predict discrimination. Collier, Bos, and Sandfort (2012) found that adolescents’ acceptance of gender nonconformity was an important predictor in their attitudes toward gays-lesbians. Researchers found that this was generally the case in their sample of adolescent males and females. However, acceptance of gender nonconformity mediated the relationship between intergroup contact with gays-lesbians and attitudes toward gays-lesbians for adolescent males. Specifically, if adolescent males did not accept gender nonconformity, frequent interpersonal contact with gays-lesbians translated into reduced negative attitudes toward gays-lesbians. For female adolescents, acceptance of gender nonconformity eliminated the relationship between interpersonal contact and acceptance of gays-lesbians. If cisgender
female adolescents accepted gender nonconformity, then they held positive attitudes about gays-lesbians regardless of the amount of interpersonal contact they had with gays-lesbians. This finding supports the theory that gender nonconformity is a determining factor in anti-LGBTQ discrimination. Additionally, these authors recommended that future research on attitudes toward LGB individuals include measures of acceptance of gender nonconformity.

Future research on LGBTQ and GNC individuals’ court experiences can explore the effect of advocating for self, versus advocating for others, by analyzing experiences in specific types of legal cases. Self-advocacy can influence many personal outcomes; including experiences in a court setting. Previous research on assertiveness and gender has documented that women are more likely to have positive outcomes resulting from their assertiveness when they are advocating for others rather than when they are being assertive to meet their own needs (Wade, 2001). The stereotypical association of femininity with care giving is likely responsible for this effect. The effect observed in Study 2 of assertive, feminine women reporting worse experiences than passive, feminine women may be diminished in cases for which the feminine woman asserts herself as an advocate for their children, partner, or friend. Likewise, feminine men who are in court to advocate for their children, spouse, parent, or friend may report better outcomes than for the cases of self-advocacy. A sample that contains gender conforming and gender nonconforming individuals can inform researchers on the combined effects of gender nonconformity and self-advocacy.

Summary

This dissertation provides evidence that gender nonconformity is central to understanding the discriminatory experiences of LGBTQ individuals. This study began as a project to assess the treatment that LGBTQ individuals experience in the U.S. Court System. Participants shared a
variety of information including their role in court and with which court they had experiences. The sample reported an array of reasons for being in court and reported experiences that ranged from positive to negative on the TIC scale. This expansive data collection campaign netted a sample that conveyed their spectrum of court experiences as LGBTQ, GNC, and non-LGBTQ citizens. The finding of interaction effects between gender nonconformity, assertiveness, and sex provoke interesting questions about the future of discrimination against LGBTQ and GNC individuals. Research on LGBTQ experiences consistently find disparities between LGBTQ individuals who do not identify as cisgender heterosexuals and non-LGBTQ people who do identify as cisgender heterosexuals. In addition to everyday discrimination, LGBTQ and GNC youth and adults may encounter discrimination in the courts that enforce legal inequalities as well as anti-gay and anti-GNC treatment from attorneys, judges, and fellow jurors. The common experiences of discrimination against GNC people suggests that the LGBTQ and GNC individuals who decide, or are forced, to bring their grievances to court may encounter additional discrimination from court officers and judges.
Appendix A: Definitions of Key Terms
**Key Terms**

Androgynous. “Having or displaying characteristics, feelings, or behaviors that are both feminine and masculine.” (Marksamer, 2011, p.56)

Bisexual. “An individual who is physically, romantically, and/or emotionally attracted to men and women. Bisexuals need not have had sexual experience with both men and women; in fact, they need not have had any sexual experience at all to identify as bisexual.” (GLAAD, 2010)

Coming Out. “A lifelong process of self-acceptance. People forge a lesbian, gay, bisexual or transgender identity first to themselves and then may reveal it to others. Publicly identifying one’s orientation may or may not be part of coming out.” (GLAAD, 2010)

FTM. “A person who transitions from “female-to-male,” meaning a person who was assigned female at birth, but identifies and lives as a male. Also known as a ‘transgender man.’” (National Center for Transgender Equality, 2009)

Gay. “The adjective used to describe people whose enduring physical, romantic, and/or emotional attractions are to people of the same sex (e.g., gay man, gay people). In contemporary contexts, lesbian (n. or adj.) is often a preferred term for women” (GLAAD, 2010)

Gender. “Refers to the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.” (World Health Organization, 2013)

Gender non-conforming. “Refers to a person who is or is perceived to have gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Gender non-conforming people may or may not identify as lesbian, gay, bisexual, transgender, or queer.” (GLAAD, 2010)
Genderqueer. “A term of self-identification for people who do not identify with the restrictive and binary terms that have traditionally described gender identity (for instance, male or female only).” (Marksamer, 2011, p. 57) “Genderqueer people may or may not identify as transgender” (GLAAD, 2010)

Gender expression. “External manifestation of one’s gender identity, usually expressed through ‘masculine,’ ‘feminine’ or gender-variant behavior, clothing, haircut, voice or body characteristics. Typically, transgender people seek to make their gender expression match their gender identity, rather than their birth-assigned sex.” (GLAAD, 2010)

Gender identity. “One’s internal, personal sense of being a man or a woman (or a boy or a girl). For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match” (GLAAD, 2010)

Heteronormativity. The numerous ways in which heterosexual privilege is woven into the fabric of social life, pervasively and insidiously ordering everyday existence.” (Jackson, 2006; pp.108) Promoting the privilege of heterosexuality through normalization.

Hir. (pronounced “here”) A gender-neutral possessive adjective. This pronoun can be used in place of the words “his” or “her.” Forge Forward, 2014) LGBTQ. “An umbrella term that stands for “lesbian, gay, bisexual, transgender, and [queer or] questioning.” The category “questioning” is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.” (GLAAD, 2010)

Lesbian. “A female-identified individual who’s enduring physical, romantic and/or emotional attraction is to other women. Some lesbians may prefer to identify as gay (adj.) or as gay women.” (GLAAD, 2010)
Queer. “A historically derogatory term for a gay man, lesbian, or gender non-conforming person.

The term has been widely reclaimed, especially by LGBTQ youth, as a positive social and political identity. It is sometimes used as an inclusive, or umbrella, term for all LGBTQ people. Queer is also used as a term of self-identification by people who do not identify with more restrictive, binary terms. Some LGBTQ community members still find this term offensive” (Marksamer, 2011, p. 57)

MTF. “A person who transitions from “male-to-female,” meaning a person who was assigned male at birth, but identifies and lives as a female. Also known as a ‘transgender woman.’” (National Center for Transgender Equality, 2009)

Passing. “A term used by transgender people to mean that they are seen as the gender with which they self-identify. For example, a transgender man (born female) who most people see as a man.” (National Center for Transgender Equality, 2009)

Questioning. “An active process in which a person explores their own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming. Many LGBTQ people go through this process before ‘coming out.’ Not all people who question their identities end up self-identifying as LGBTQ.” (Marksamer, 2011, p. 57)

Self-identification. “One’s own identification of one’s gender identity or LGB sexual orientation. Increasingly, LGBTQ youth are self-identifying during pre-adolescence or early adolescence.” (Marksamer, 2011, p. 58)

Sex. “The classification of people as male or female. At birth, infants are assigned a sex based on a combination of bodily characteristics including: chromosomes, hormones, internal reproductive organs, and genitals” (GLAAD, 2010)
Sex Reassignment Surgery (also known as Gender affirmation). “Medical procedures that change one’s body to make it conform to one’s gender identity. Contrary to popular belief, there is not one surgery but rather various procedures that a person might undergo, depending on their own medical needs determined with a health care provider” (Marksamer, 2011, p. 58).

Sexual orientation. “Describes an individual’s enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, or bisexual.” (GLAAD, 2010)

Transgender. “An umbrella term (adj.) for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term may include but is not limited to transsexuals, cross-dressers and other gender variant people. Transgender people may identify as female-to-male (FTM) or male-to-female (MTF). Use the descriptive term (transgender, transsexual, cross-dresser, FTM or MTF) preferred by the individual. Transgender people may or may not decide to alter their bodies hormonally and/or surgically.” (GLAAD, 2010)

Transgender man. “A term for a transgender individual who currently identifies as a man.” (National Center for Transgender Equality, 2009) (see also “FTM”)

Transgender woman. “A term for a transgender individual who currently identifies as a woman.” (National Center for Transgender Equality, 2009) (see also “MTF”)

Transition. “The period when a transgender person starts living as the gender with which they identify. Often includes a change in style of dress, selection of new name, a request that people use the correct pronoun, and possibly hormone therapy and/or surgery.” (Marksamer, 2011, p. 58)
Zir. (pronounced, zeer) is a gender neutral pronoun that can be used to discuss an individual as the subject of a sentence. It is often used in conjunction with “hir”. (Forge Forward, 2014)
Appendix B: Recruitment Materials
Email Recruitment Letter

My name is Alexis and I am a PhD Candidate at John Jay College of Criminal Justice and I need your help. I am working with my advisor, Dr. Kevin Nadal, to get valuable information and an accurate portrayal of LGBTQ experiences with the courts.

[Click here to start the survey]
https://survey.qualtrics.com/SE/?SID=SV_bCP2MDaLduGLA4A

Why are we doing this?
There are many disheartening stories about the inequality and maltreatment that LGBT persons continue to endure at the hands of a system that was created to protect the rights of all citizens. We started this project to bring those discriminatory experiences to light. It is also important to know if our community has had positive interactions with the court system.

What will YOUR participation do?
Without an accurate portrayal of the community as a whole, policy makers and other researchers are reluctant to invest time and money into resolving issues that afflict the LGBTQI communities. Your participation can help to change that by increasing the chance that information about LGBTQ experiences can be published in journals where other researchers, educators, policy makers, the media, and the LGBTQ community as a whole can access it.

Don't want to complete the survey?
We would love to get your survey responses but you can still help even if you chose not to complete the survey yourself. Email or tweet this shortened link [http://bit.ly/oyHD0N] to your friends, family, co-workers, or anyone that you think would be interested in hearing about this project.

I’m not LGBTQI, should I still complete the survey?
Yes! In order to know the relative disparity in treatment between the sexual minority and the sexual majority, we need heterosexual and cisgender respondents as well. That's the great thing about this project, all of the information that we gather will help our community in our future experiences with the courts.

Thanks for your time,

Alexis Forbes, MA
Kevin Nadal, PhD
John Jay College of Criminal Justice
amurray-forbes@jjay.cuny.edu
knadal@jjay.cuny.edu
John Jay IRB# 13-01-005-0137
WE WANT TO KNOW YOUR STORY!

Survey Link: http://bit.ly/oyHD0N

Do you identify as lesbian, gay, bisexual, gender queer, transgender, or gender nonconforming?

Have you been to court?

Visit the link to this groundbreaking nationwide survey and tell us about your experiences.

Marriage, Adoption or Custody, Legal Document Change, Civil Court, Criminal Cases, Jury Duty, Traffic Court, and more.

Survey Link: http://bit.ly/oyHD0N

For more information, contact Alexis at gendernonconforming@gmail.com
Appendix C: List of LGBTQ Agencies Contacted
List of LGBTQ Agencies Contacted for Participant Recruitment

1. Affirmations - Metro Detroit's Community Center for LGBT People
2. Alliance for Living
3. American Veterans for Equal Rights
4. Amnesty International
5. Anti-Violence Project
6. Atlantic States Gay Rodeo Association
7. Bay Area Gay Rodeo Association
8. Bethany Place
9. Bisexual Resource Center
10. Black Pride Society
11. Callen-Lorde Community Health Center
12. COLAGE
13. Colorado Prime Timers
14. Colorado Gay Rodeo Association
15. Common Ground
16. Community AIDS Resource and Education Services
17. Counseling Innovations
18. David Bohnett Foundation
19. DC Road Runners Club
20. DC Trans Coalition
21. DC's Different Drummers
22. Delta Lambda Phi Social Fraternity
23. District of Columbia Aquatics Club
24. Diversity Builder
25. Face to Face
26. Family Equality Council
27. Fortissima - DC Feminist Singers
28. Freedom to Marry
29. GALAXe Pride at Work
30. Gay and Lesbian Activists Alliance
31. Gay and Lesbian Advocates and Defenders (GLAD)
32. Gay and Lesbian Alliance Against Defamation (GLAAD)
33. Gay and Lesbian Medical Association
34. Gay Asian Pacific Support Network
35. Gay Lesbian & Straight Education Network (GLSEN)
36. Gender.org
37. Gertrude Stein Democratic Club
38. GLBT Community Center of Baltimore and Central Maryland
39. GLBT National Help Center
40. GLSEN Baltimore
41. GLSEN Connecticut
42. GLSEN Hawaii
43. GLSEN Kansas City
44. GLSEN Los Angeles California
45. GLSEN Massachusetts
46. GLSEN Orange County California
47. GLSEN Orlando
48. GLSEN Phoenix Arizona
49. GLSEN San Diego
50. GLSEN Tampa
51. GLSEN Tucson Arizona
52. Golden Rainbow Center Palm Springs SAGE
53. Hartford Gay and Lesbian Health Collective
54. Heat Program
55. High Sierra Gay Rodeo Association
56. Howard Brown Health Center
57. Human Rights Campaign
58. Identity, Inc
59. Illinois Gender Advocates
60. Jim Toy Community Center
61. Kalamazoo Alliance
62. Kalamazoo Gay and Lesbian Resource Center
63. Kansas Equality Coalition
64. Lambda Legal
65. Lambda Literary
66. Lansing Association for Human Rights
67. Legal Aid Society - Employment Law Center
68. LGBT Centers
69. Los Angeles Gay and Lesbian Center
70. Los Angeles Prime Timers
71. Marriage Equality USA
72. Michigan International Gay Rodeo Association
73. Michigan National Organization for Women
74. Missouri Gay Rodeo Association
75. Narrative Contemporary Therapy
76. Nashville Cares
77. National Black Justice Coalition
78. National Center for Lesbian Rights
79. National Center for Lesbian Rights
80. National Center for Transgender Equality
81. National Gay and Lesbian Task Force
82. Nevada Gay Rodeo Association
83. New Mexico Gay Rodeo Association
84. Oasis Magazine
85. Oklahoma Gay Rodeo Association
86. One - N - Ten
87. Open Circle Communities
88. Out and About Newspaper
89. Out and Equal
90. Out Center
91. Owls of the Greater Capitol Area
92. Pacific Center for Human Growth
93. Palm Springs (CA) Gay Rodeo Association
94. Parish Church
95. Perceptions Saginaw Valley
96. PFAG Pasedena
97. PFLAG Aberdeen South Dakota
98. PFLAG Acadiana
99. PFLAG Alamance
100. PFLAG Albuquerque
101. PFLAG Alisbury
102. PFLAG Ames Iowa
103. PFLAG Anchorage (Alaska)
104. PFLAG Ann Arbor
105. PFLAG Anniston (Alabama)
106. PFLAG Anoka
107. PFLAG Arizona
108. PFLAG Arlington
109. PFLAG Athens Ohio
110. PFLAG Atlanta
111. PFLAG Austin Texas
112. PFLAG Baltimore County
113. PFLAG Bellevue Seattle
114. PFLAG Bergen
115. PFLAG Berrien County
116. PFLAG Big Island
117. PFLAG Billings
118. PFLAG Binghamton
119. PFLAG Birmingham (Alabama)
120. PFLAG Blairsville
121. PFLAG Bolling Green
122. PFLAG Boulder
123. PFLAG Brainerd
124. PFLAG Brandon
125. PFLAG Brevard
126. PFLAG Bubuque
127. PFLAG Bucks County Pennsylvania
128. PFLAG Butler Pennsylvania
129. PFLAG Canton
130. PFLAG Cape Cod
131. PFLAG Carroll County
132. PFLAG Carteret-Craven North Carolina
133. PFLAG Central Maryland
134. PFLAG Central Oregon
135. PFLAG Central Pennsylvania
136. PFLAG Charlotte
137. PFLAG Chico
138. PFLAG Cincinnatti
139. PFLAG Cleveland
140. PFLAG Collingswood
141. PFLAG Colorado Springs
142. PFLAG Columbus Ohio
143. PFLAG Cornhusker
144. PFLAG Corvallis-Albany Oregon
145. PFLAG Dayton Ohio
146. PFLAG DC
147. PFLAG Denver
148. PFLAG Detroit
149. PFLAG Downriver
150. PFLAG Duluth-Superior
151. PFLAG East Texas
152. PFLAG Eastbay
153. PFLAG Eastern Pennsylvania
154. PFLAG Easton
155. PFLAG Erie Pennsylvania
156. PFLAG Fairbanks (Alaska)
157. PFLAG Families of Color
158. PFLAG Fayetteville
159. PFLAG Flagstaff (Arizona)
160. PFLAG Flint Hills
161. PFLAG Flint Hills
162. PFLAG Fremont
163. PFLAG Fresno
164. PFLAG Gaston
165. PFLAG Greater Baltimore
166. PFLAG Greater New Haven
167. PFLAG Greensboro
168. PFLAG Hartford Connecticut
169. PFLAG Homer (Alaska)
170. PFLAG Houston Texas
171. PFLAG Hullhead (Alaska)
172. PFLAG Huntsville (Alabama)
173. PFLAG Ithaca-Cortland
174. PFLAG Jackson
175. PFLAG Jersey Shore
176. PFLAG Kansas City
177. PFLAG Kauai
178. PFLAG Kerr County
179. PFLAG Kittitas County Washington State
180. PFLAG Lake Calhoun Boys
181. PFLAG Lansing
182. PFLAG Las Cruces
183. PFLAG Lima
184. PFLAG Littleton Colorado
185. PFLAG Livingston
186. PFLAG Lock Haven Pennsylvania
187. PFLAG Long Beach
188. PFLAG Long Island
189. PFLAG Lubbock Texas
190. PFLAG Macon
191. PFLAG Manistee
192. PFLAG Mankato
193. PFLAG Marietta
194. PFLAG Maryland
195. PFLAG McNichols
196. PFLAG Memphis Tennessee
197. PFLAG Missoula
198. PFLAG Modesto
199. PFLAG Montgomery (Alabama)
200. PFLAG Montgomery Texas
201. PFLAG Myrtle Beach South Carolina
202. PFLAG Nashville
203. PFLAG New Hampshire
204. PFLAG New Orleans
205. PFLAG New York City
206. PFLAG Norman Ohio
207. PFLAG Northeastern Pennsylvania
208. PFLAG Northern Orange County California
209. PFLAG Oahu
210. PFLAG Odessa Texas
211. PFLAG Ogden Utah
212. PFLAG Olive Branch Mississippi
213. PFLAG Olympia Washington
214. PFLAG Omaha
215. PFLAG Owensboro Kentucky
216. PFLAG Oxford Mississippi
217. PFLAG Payson
218. PFLAG Philadelphia
219. PFLAG Phoenix
220. PFLAG Pittsburgh
221. PFLAG Placer County
222. PFLAG Placerville
223. PFLAG Providence Rhode Island
224. PFLAG Pueblo
225. PFLAG Queens New York
226. PFLAG Reading
227. PFLAG Richland
228. PFLAG Riverside
229. PFLAG Roswell New Mexico
230. PFLAG Russellville
231. PFLAG Sacramento
232. PFLAG Saint George Utah
233. PFLAG Salt Lake City
234. PFLAG San Francisco
235. PFLAG Sandhills
236. PFLAG Sandusky Ohio
237. PFLAG Santa Cruz
238. PFLAG Savannah
239. PFLAG Shasta Lake
240. PFLAG Shoals (Alabama)
241. PFLAG Sierra Vista
242. PFLAG South Orange County
243. PFLAG Southeastern Connecticut
244. PFLAG Southwestern Connecticut
245. PFLAG Southwestern Michigan
246. PFLAG Spartanburg South Carolina
247. PFLAG St. Charles
248. PFLAG St. Cloud
249. PFLAG St. Louis
250. PFLAG Stillwater Oklahoma
251. PFLAG Syracuse
252. PFLAG Tacoma Washington
253. PFLAG Triangle Raleigh North Carolina
254. PFLAG Tri-Cities
255. PFLAG Tri-Cities Tennessee
256. PFLAG Tulare & Kings Counties
257. PFLAG Twin Cities
258. PFLAG Waco Texas
259. PFLAG Walla Walla Washington
260. PFLAG Washington County Virginia
261. PFLAG Westchester
262. PFLAG Whatcom Washington State
263. PFLAG Whittier
264. PFLAG Wilmington Delaware
265. PFLAG Wilmington North Carolina
266. PFLAG Winston-Salem
267. PFLAG Worcester
268. PFLAG Yakima Washington
269. PFLAG Youngstown Ohio
270. Phoenix Community Church
271. Point Foundation - The National LGBTQ Scholarship Fund
272. Prescott Pride Center
273. Pride at Work
274. Pride at Work Oregon
275. Pride Source - Between the Lines
276. Prime Timers of the Desert
277. Prime Timers of Washington DC
278. Prime Timers San Gabriel Valley
279. Prime Timers Worldwide
280. Queers for Economic Justice
281. Rainbow Community Center
282. Rainbow Response
283. Reel Affirmations
284. Richmond Outreach Center (The ROC)
285. Sacramento LGBT Community Center
286. Sacramento's Capital Crossroads Gay Rodeo Association
287. Sage USA
288. Smoky Mountain Rodeo Association
289. Sooner State Rodeo Association
290. South Bay LGBT Center
291. Spectrum LGBT Center
292. Stonewall Speakers
293. Sunserve - Sunshine Social Services
294. Survivor Project
295. Sylvia Rivera Law Project
296. The Center San Diego
297. The DC Center
298. The Door
299. The Family Partnership
300. The Gender Identity Center of Colorado
301. The GLBT Community Center (Colorado)
302. The Network - Grand Rapids Michigan
303. The New Gay
304. The Rights 5
305. The Trevor Project
306. Transgender Law and Policy Institute TLPI
307. Transgender Law Center
308. Transgender Michigan
309. TransHealth
310. True Colors
311. Tuscon Prime Timers
312. Uniting Pride
313. Unity Michigan
314. Urban Justice Center
315. Washington DC Log Cabin Republicans
316. Whitman-Walker Health
Appendix D: Informed Consent
Informed Consent

You are invited to participate in a research study entitled “Lesbian, Gay, Bisexual, and Transgendered Persons’ (LGBTQ) Experiences with the Courts.” The purpose of this research is to gather qualitative data about the experiences of LGBTQ persons as plaintiffs, defendants, and jurors in the court. We plan to enroll approximately 400 participants into this study. If you decide to participate, you will be asked to complete a survey about your experiences and interactions with attorneys, judges, and other jurors. Participation should take about 45 minutes for a duration of one day.

The foreseeable risks of participation in this study are minimal. In order to minimize these risks we will keep all of your responses confidential and will never associate your survey responses with your name. The survey does not include any questions regarding specific details of your case. We are only interested in your personal interactions with the judge, the attorneys, and the jurors that you encountered while in the courthouse. The possible benefits to you are that this study should better inform LGBTQ advocacy groups and legal task forces on the obstacles that LGBTQ persons encounter when participating in the legal process as plaintiffs, defendants, or jurors. The potential benefits to society are to inform legal institutions on how to better serve the LGBTQ community.

Your participation in this study is completely voluntary. You have a right to refuse to participate without consequences. If you decide not to participate your decision will not affect your relationship with John Jay College or with your LGBTQ group or agency.

If you decide to participate you may discontinue participation at any time. You may refuse to answer any specific questions or refuse to engage in any task at any time during the study. Withdrawal or refusing to answer specific questions or engage in specific tasks will not result in any consequences to you and will not affect your relationship with John Jay College or with your LGBTQ group or agency.

Information gathered from you will be stored without any details that could identify you. Data will be collected via an online survey software that enters the data directly into our data analysis software. Electronic copies of the data, stored on a USB drive that will be kept in a locked file cabinet at our office at John Jay College. Access to the USB drive will be restricted so that only Alexis Forbes has access. Anonymous data from this study may be used by other agencies who seek to improve the treatment of LGBTQ persons in the courts. The data from this study will be kept for five years, at which point we will destroy the USB drive.

Please indicate below if you would like to participate in this study. By clicking “I understand my rights and would like to participate in the survey” and “Begin” means that you have read this consent form, that you fully understand the nature and consequences of participation and that you have had all questions regarding participation in this study answered satisfactorily. If you have further questions about this research please feel free to contact the Principal Investigator, Alexis Forbes at alexis.r.forbes@gmail.com.

This project has IRB approval (John Jay IRB# 13-01-005-0137) If you have any questions regarding your rights as a research participant please feel free to contact the John Jay Institutional Review Board Office at jj-irb@jjay.cuny.edu, or (212) 237-8961.

☐ I understand my rights and would like to participate in the survey.
☐ I do not wish to participate in the study.
Appendix E: Survey of Court Experiences (SCE)
Types of Experiences with the Courts

The items below use skip logic which means that for certain answers, participants will be guided to follow-up questions relevant to their response pattern. The square boxes indicate that participants can choose more than one answer. The round response circles indicate that participants may choose only one answer.

The following items will help us gather information about common experiences and specific experiences with the courts.

You were a plaintiff, defendant, or witness in a Family Court or Juvenile Court case (Check all that apply)
- Divorce, legal separation, annulment
- Child custody or visitation
- Spousal or partner support
- Juvenile dependency, delinquency, emancipation, or guardianship
- Other or Do not wish to specify

If you checked any of the options listed, please describe the outcome and your experience.

You were a plaintiff, defendant, or witness in a Traffic Court case (Check all that apply) (DO NOT include parking tickets)
- Driving too fast or running a red light
- Other traffic or moving violations
- Driving without a license
- Driving under the influence of alcohol or drugs
- Other or Do not wish to specify

If you checked any of the options listed, please describe the outcome and your experience.

You were a plaintiff, defendant, or witness in a Civil Court case (Check all that apply)
- Small Claims
- Landlord-Tenant dispute
- Injury or property lawsuit
- Employment Discrimination lawsuit
- Sexual Harassment lawsuit
- Other or Do not wish to specify

If you checked any of the options listed, please describe the outcome and your experience.

You were a defendant, witness, or victim in a Criminal Court case
- Yes
Please provide any information that you are willing to disclose about your experience as a defendant, witness, or victim in a **Criminal Court** case. DO NOT list any identifying information (i.e., names or dates)

You served as a juror (Check all that apply)
- Served on a Criminal Trial Jury
- Served on a Civil Trial Jury
- Served on a Grand Jury
- Went through juror questioning but was not selected for service

If you checked any of the options listed, please describe the outcome and your experience.
Appendix F: Treatment in Court (TIC)
Treatment in Court (TIC)

For the following questions, I will describe my experiences in my role as a

- Defendant in a Criminal Court Case
- Victim in a Criminal Court Case
- Witness in a Criminal Court Case
- Defendant in a Civil Court Case
- Plaintiff in a Civil Court Case
- Witness in a Civil Court Case
- Juror in a Criminal Court Case
- Juror in a Civil Court Case
- Juror in a Grand Jury

*Participants who have non-jury experiences will be directed to answer questions about treatment from a judge. Participants who are describing their jury experience will talk about treatment from fellow jurors.*

For the following six questions, please select the option that best describes your experience with the judge when you were a defendant in a criminal court case.

**OR**

For the following six questions, please select the option that best describes your experience with your fellow jurors in a criminal court case.

1. They treated me with dignity
2. They were polite to me
3. They respected my rights
4. They listened to me carefully
5. They treated me with respect

- Strongly Disagree
- Disagree
- Somewhat Disagree
- Neither Agree nor Disagree
- Somewhat Agree
- Agree
- Strongly Agree
Appendix G: Demographic Questionnaire
Demographic Questionnaire

How would you describe your sexual orientation?
- Bisexual
- Lesbian
- Gay
- Heterosexual
- Queer
- Choose not to label
- Self-Identify

Please tell us a little about how you self-identify relates to your sexual orientation.
How old were you when you first came out to yourself?
How old were you when you first told another person about your sexual orientation/gender identity?

How would you describe your current gender identity?
- Female
- Male
- Transgender
- Intersex
- Something Else

Please tell us a little more about how you characterize your Intersex gender.

Please tell us how you would describe your Transgender identity.
- Female to Male, I identify as a man
- Male to Female, I identify as a woman
- Self-identify, I wish to describe my gender in my own words

Please tell us about how you identify as a transgendered person.

How would you describe your Race/Ethnicity?
- African American/Black
- Native American
- Caucasian American/White
- Asian
- Pacific Islander
- Latino/Hispanic
- Other or Wish to Describe

You may list/describe your Race/Ethnicity in the space provided. Otherwise Click NEXT
Appendix H: Gender Presentation Scale (GPS)
Gender Presentation Scale (GPS)

Please answer the following questions to the best of your ability.

1. I feel like acquaintances view my style of dress as...

2. I view my style of dress as...

3. I think that my friends view my style of dress as...

4. I believe that my family views my style of dress as...

5. I feel like acquaintances view my style of speech as...

6. I view my style of speech as...

7. I think that my friends view my style of speech as...

8. I believe that my family views my style of speech as...

9. I feel like acquaintances view my personality as...

10. I view my personality as...

11. I think that my friends view my personality as...

12. I believe that my family views my personality as...

13. I feel like acquaintances view my hobbies and interests as...

14. I view my hobbies and interests as...

15. I think that my friends view my hobbies and interests as...

16. I believe that my family views my hobbies and interests as...

- Traditionally Masculine
- Neither Traditionally Feminine Nor Traditionally Masculine
- Traditionally Feminine
Appendix I: Measures Exclusive to Study 2: Validity, Assertiveness, and Natal Sex
Validity

1. We designed the previous 16 questions to get an idea of how you express different aspects of your gender identity in a variety of settings. How did we do?

Very Bad   Bad   Poor   Neither Good Nor Bad   Fair   Good   Very Good

2. What else should we know to best learn this about you?

Assertiveness

For the following questions, please rate your assertiveness (e.g., speaking your mind, asking for what you want, or standing up for yourself) in the settings listed below.

1. How likely are you to be assertive in social settings?

2. How likely are you to be assertive in professional settings?

3. How likely are you to be assertive in a court or legal setting?

Very Unlikely, Unlikely, Somewhat Unlikely, Not Sure, Somewhat Likely, Likely, Very Likely

Sex

1. What sex were you assigned at birth?

Male   Female   Intersex   Something Else (please describe)

2. Please describe what you mean by "other" when referring to your birth sex.
Appendix J: Debriefing
Debriefing

There are many disheartening stories about the inequality and maltreatment that LGBTQ persons continue to endure at the hands of a system which was created to protect the rights of all citizens. However, there has been little to no empirical research investigating the systematic biases that lesbian, gay, bisexual, and transgendered persons may face in the court system. We started this project to build a comprehensive report that can inform researchers, LGBTQ community advocates, and policy makers.

Your participation will increase the chance that information about LGBTQ experiences can be published in journals where other researchers, educators, policy makers and the LGBTQ community as a whole can access it. Far too often, lesbian, gay, bisexual, transgender, queer, and intersex individuals do not receive the attention of academic and professional researchers. Without an accurate portrayal of the community as a whole, policy makers and other researchers are reluctant to invest time and money into resolving issues that afflict the LGBTQ communities. Thank you for your help in collecting vital information on this subject.

We have not collected any data that can be used to identify you as a participant in this study. Data from this survey will be stored on an encrypted USB drive that will remain locked in the principal investigator’s desk at John Jay College. We will keep the data available for other researchers and for future projects for five years. After the five-year period, we will delete the data from the USB drive and reformat the drive.

To get more information about this project or about the progress of our report, please email Alexis Forbes at alexis.r.forbes@gmail.com.
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