

# A New Seat at the Table with Religious Universities

More than 15 years ago, NCLR made history as the first national LGBTQ organization to tackle rampant homophobia, biphobia, and transphobia in sports.

Today, we are again making history by hosting dialogues with religious university leaders and the National Collegiate Athletic Association (NCAA) to ensure college life is a positive experience for LGBTQ student-athletes.

NCLR has worked with student-athletes who have been harassed by coaches and peers because of sexual orientation or gender identity. At some religious universities, athletes have been required to sign pledges promising not to engage in same-sex relationships, have lost scholarships, and have been forced to drop out when their sexual orientation becomes known. They are frequently interrogated by university officials about personal and intimate aspects of their relationships. In one case, two students were asked whether they pushed their beds together in their dorm room and lost their scholarships as a result. Leaders from religious institutions, the NCAA, NCLR, and collaborating groups are committed to finding Common Ground.

The Common Ground Project initiative is a multi-year project bringing together LGBTQ student-athletes, staff, advocates and allies, and athletic administrators from faith-based and public schools to discuss how college athletics programs can be welcoming and respectful for student-athletes and athletic staff of all faiths, sexual orientations, and gender identities. We know that by working together, sustaining change will occur.

But getting to the table together has not been easy. We've had to develop creative solutions along the way. For example, when we realized triggering words or phrases can shut down



NCLR would like to thank our Sports Project Director, Helen Carroll, for her more than 15 years of work with us on these issues. On July 1, she will retire from her full-time position at NCLR but will continue to work with Common Ground and trans high school athletes. Helen, gratitude and best wishes to you from your NCLR Family.

*Continued on page 3*

# Letter from the Executive Director

This year marks our 40th anniversary at the National Center for Lesbian Rights.

In 1977, our NCLR founders saw a gap in the LGBTQ rights movement—and in response, they built and nurtured what has become both a community institution and national leader on these issues. During our earliest days, we took a stand to protect our families and ensure that LGBTQ and HIV+ parents did not lose custody of their children because of who they are. Since that time, we have helped bring about a lot of “firsts” as the first national legal organization to launch a project on behalf of LGBTQ youth, the first to launch a transgender law project, the first to address homophobia, biphobia, and transphobia in sports through our Sports Project, and many others.

Forty years after our founding, we’ve expanded our team and our toolset to address a range of issues facing the LGBTQ community, including immigration, employment, health care, housing, parenting, incarceration, sports, and barriers faced by transgender youth.

Today, under the Trump administration, we face a growing number of attacks attempting to roll back the progress we’ve worked so hard to achieve. A growing number of states are introducing legislation to chip away at marriage equality. Transgender students face more barriers at school. And many LGBTQ immigrants and their families live in fear.

**But in the face of these challenges, we are more determined than ever to defend our hard-won progress.**

Throughout the last four decades, we’ve faced many seemingly unwinnable fights. But we have not backed down, and like the fight for marriage equality, we’ve shown that we know how to hold our ground and push a goal forward in both a court of law and the court of public opinion.

One of our supporters recently sent us a note thanking our attorneys for being “top-notch” and “fighting like hell.” We’re 40 years strong. And we’re going to keep fighting like hell to ensure our LGBTQ community members are never the targets of discrimination or forced to take a stand alone. We’re still here for you.



The early years of NCLR.



Stay strong,

Kate Kendell, Esq.  
NCLR Executive Director

NCLR Executive Director Kate Kendell at the Women's March on Washington.

---

# Attempts to Chip Away at Marriage Equality

Winning the 2015 landmark Supreme Court marriage equality decision, *Obergefell v. Hodges*, was one of the most historic rights victories of our movement. But for some right-wing extremists, it was an invitation to foment backlash. Especially since the election, some marriage equality opponents have begun looking for new strategies, large and small, to deny married same-sex couples equal treatment under the law—in an attempt to chip away at these rights.

Some states have targeted married same-sex couples by refusing to list same-sex spouses as parents on birth certificates when children are born during the marriage. Most courts, including courts in Florida, South Carolina, Wisconsin, and Utah, have quickly shut down these efforts as violating the Supreme Court's marriage ruling.

The Arkansas Supreme Court is the only court to uphold this blatantly unconstitutional discrimination, and NCLR recently filed a petition asking the U.S. Supreme Court to overturn the Arkansas decision.

Other states, such as Texas, are trying to deny married same-sex couples equal workplace benefits, and many are actively considering legislation that would authorize discrimination against LGBTQ families.

South Dakota recently joined Michigan,



LGBTQ community members and allies gathered at a rally in celebration of the 2015 Supreme Court marriage equality decision.

Virginia, and North Dakota in passing a law allowing adoption agencies to refuse on religious grounds to place children with same-sex couples.

At NCLR, after 40 years of advancing LGBTQ equality—and as part of the team of attorneys who helped win marriage equality—we are more committed than ever to fighting these injustices in states across the country and protecting our families.

---

## A New Seat at the Table with Religious Universities

*Continued from page 1*

conversation, we created a list of language to avoid, such as “love the sinner, hate the sin.” One such trigger from religious viewpoints included using the phrase “close-minded” to characterize all evangelical Christians.

We are building a new shared framework to better understand each other.

In November, we'll convene at Houghton University, a Christian college in western New York. NCLR Sports Project Director Helen

Carroll reflected, “For me personally, after working with student-athletes for whom this so deeply influenced their lives—a lesbian or gay student who had to leave school—there had to be some kind of conversation. We know we can bring people of faith, LGBTQ athletes, and coaches and LGBTQ people of faith together for conversations that honor differing perspectives while assuring dignity and respect for our common humanity.”



# You Might Not Be Getting the Benefits You Deserve

If my partner retired or passed away before the Supreme Court marriage equality decision, could I still be eligible for spousal benefits?

In a word: yes.

An April victory by NCLR and our co-counsel Teresa Renaker, of Renaker Hasselman Scott LLP, illustrated that if a retirement or death occurred before national marriage equality, LGBTQ couples or widows could still have spousal rights under employee benefit plans.

In that case, the pension plan for office employees of the New York Philharmonic-Symphony Orchestra denied spousal benefits to retired employee Thomas O'Connor and his husband, Victor Bumbalo.

O'Connor and Bumbalo met and fell in love in 1967. Ten years later, O'Connor began working for the New York Philharmonic, where he remained until 1995. He later held senior positions with the Los Angeles Philharmonic and the Orchestra Santa Monica. During the AIDS epidemic, Victor volunteered with the Gay Men's Health Crisis to care for patients and worked with the Anti-Violence Project in New York. He became an award-winning playwright, screenwriter, and director. The couple married in 2008 in California, as soon as marriage became legal in the state.

But when O'Connor requested a spousal benefit option after the Supreme Court's



NCLR clients  
Victor  
Bumbalo  
and  
Thomas  
O'Connor

marriage equality decision, the plan initially refused—which has now changed after NCLR took action. O'Connor stated, "This is a great relief to me and to Victor. I can't thank my attorneys enough for standing by us and protecting our family."

**If you have questions about whether you and your family are getting the benefits you deserve, call NCLR's helpline at 1.800.528.6257.**

NCLR is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education.

870 Market Street, Suite 370  
San Francisco, CA 94102  
Tel 415.392.6257  
Development@NCLRights.org

Copyright © 2017 NCLR

SUMMER 2017

THE NATIONAL CENTER FOR LESBIAN RIGHTS NEWSLETTER

# OUT FOR JUSTICE



NATIONAL CENTER FOR LESBIAN RIGHTS