

ANCHORAGE DAILY NEWS

Anchorage

Discrimination complaint against downtown Anchorage women's shelter opens up political front

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The downtown soup kitchen Hope Center provides a women's shelter, job skills training, meals, laundry and clothing to people in need. (Anne Raup / ADN)

Proponents of Proposition 1, an Anchorage initiative to regulate restrooms, locker rooms and other "intimate facilities" by sex at birth, say a recent discrimination complaint against a downtown shelter for homeless women shows why the measure is necessary.

It's the latest in an ongoing campaign to persuade voters that legal protections for transgender residents in Anchorage's non-discrimination law create safety problems. In this case, questions about what happened at the shelter and how the law applies remain to be answered.

Last week, a conservative blog and emails to supporters from the "Yes on 1" campaign's organizers spotlighted a situation in which a person filed a discrimination complaint against the Downtown Hope Center. The complaint, filed Feb. 1 by a person named Samantha Coyle with the Anchorage Equal Rights Commission, said the shelter refused her services because she is transgender.

If shown to be valid, the complaint could lead to fines, policy changes, non-discrimination training and other damages for the shelter under the city's 2-year-old law that bars discrimination over sexual orientation and gender identity.

"This is exactly what we've been concerned about and why Prop. 1 must pass," Jim Minnery of Alaska Family Action wrote in one of the emails to supporters. "Should a faith-based shelter for biological women who have been abused be forced by the government into opening their doors to a biological man?"

[God, gender identity and public restrooms at play in Anchorage's Proposition 1 debate]

Kati Ward, the manager of Fair Anchorage, the campaign opposing Prop. 1, said last week the campaign didn't have specifics on the incident or the person involved, but she said Anchorage's existing non-discrimination law doesn't allow people a way to break the law or act inappropriately.

There were unresolved questions surrounding the Hope Center complaint. Kevin Clarkson, an attorney for the Hope Center, said the person who filed the complaint was not kept out of the shelter because they were transgender. He said it was because the person was intoxicated and came to the shelter while it was closed.

Even so, Clarkson said the Hope Center is a religious organization that would not allow a "biological man" to be sheltered there. The city's other two emergency women's shelters, one of which is run by Catholic Social Services, do take in transgender women.

Whether Prop. 1 — or the city's current, broader nondiscrimination laws that Prop. 1 seeks to amend — would apply to the Hope Center is open to debate. City law bars discrimination over sex and gender identity in public accommodations, but the Hope Center says it does not serve the general public. Prop. 1, meanwhile, would change the law to say employers and public accommodations could legally enforce sex-segregated standards for "intimate facilities" such as locker rooms, showers, changing rooms and restrooms."

The initiative doesn't mention homeless shelters, but Clarkson, the attorney for the Hope Center, argued the shelter would qualify as an "intimate facility."

Formerly known as the Downtown Soup Kitchen, the Hope Center is a faith-based nonprofit that offers showers and meals to the homeless, as well as an overnight shelter for homeless women. In 2015, with the Brother Francis Shelter at capacity, the agency opened an overflow night shelter for homeless women. There's a big room with mats where up to 50 homeless women sleep every night. The shelter also serves the women dinner and breakfast.

[Full coverage: Anchorage's 2018 local election]

Clarkson said Coyle, the person who filed the discrimination complaint, was turned away twice. First, Coyle tried to enter the shelter while intoxicated, which violated shelter policies, Clarkson said. The following afternoon, Coyle came back to the Hope Center and was turned away because the shelter wasn't open, Clarkson said.

Coyle, who listed the Abused Women's Aid in Crisis (AWAIC) domestic violence shelter as a mailing address, could not be reached by phone or immediately located for an interview.

"Respondent refused me access to the shelter because of my sex and gender identity," Coyle wrote. "I am female and transgender thus I belong to a protected class."

There were no other details in the complaint about what happened from Coyle's point of view.

Whether Coyle would meet the city's legal definition for transgender protections was not immediately clear. The law requires the person to prove, through medical history and evidence of care or treatment of their gender identity, that their gender identity is "sincerely held, core to a person's gender-related self identity, and not being asserted for an improper purpose." The Equal Rights Commission typically takes months to investigate complaints.

The Hope Center also disputes that it is subject to the city's nondiscrimination laws. Clarkson said the shelter is not a "public accommodation," and because of that, the law does not apply.

In a written response to the Equal Rights Commission, Clarkson quoted city law and said a public accommodation is a "business or professional activity" that provides goods or services to the general public. He said the Hope Center, by contrast, is a religious charity that offers its services for free to a specific group of people.

Clarkson said allowing a "biological man" into the shelter would traumatize and create safety risks for the women who stay there.

Leaders of Anchorage's other two emergency women's shelters say transgender people have used the facilities for years without problems.

AWAIC, a shelter for women and children who are victims of domestic violence, has served transgender women for at least 15 years, said executive director Suzi Pearson.

Catholic Social Services runs the Brother Francis Shelter as well as the Clare House, a shelter for women and children. Lisa Aquino, the executive director of Catholic Social Services, said the shelters don't ask people for gender identities.

"There's so much trauma for everyone who comes in that is experiencing homelessness," Aquino said. "The fact that someone is transgender is pretty far down on the list."

In a phone interview, Clarkson said the Hope Center had known Coyle in the past as a man named Timothy.

Clarkson said Coyle had regularly used showers and meal services during the daytime hours without incident. But he said the shelter saw Coyle as "obviously" a man, and pointed to a criminal record that included a 2008 robbery conviction to back up concerns about letting Coyle inside.

Voter registration records indicate a person named Timothy Coyle registered as a Republican in April 2016 and listed their sex as "female." There were no voter or Alaska court records for a Samantha Coyle.

Coyle came to the Hope Center one evening in late January after being ejected from the nearby Brother Francis Shelter for fighting, according to Clarkson. Clarkson said Coyle was clearly intoxicated and was barred from entering the shelter, which is a sober facility. The shelter gave Coyle money for a cab ride to the emergency room for treatment of injuries from a fight, Clarkson said.

The next day, a Saturday, Coyle returned at 2 p.m. seeking shelter services, but the shelter was not open and Coyle was turned away, Clarkson said. He said Coyle did not return after that.

Since the Anchorage nondiscrimination law took effect, the Equal Rights Commission has received 10 complaints of sexual orientation discrimination and two complaints of gender identity discrimination, according to the commission's annual reports. The commission does not make the cases public or comment on whether complaints have been filed, citing confidentiality.

Clarkson said Hope Center officials would not attend a Wednesday fact-finding conference in the case.

He said that if the commission decides to proceed, he would file a motion to dismiss the complaint on the grounds that the Hope Center is not a public accommodation.

About this Author

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Comments