

Employment Discrimination Based on Sexual Orientation and Gender Identity in Alaska



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Christy Mallory and Brad Sears

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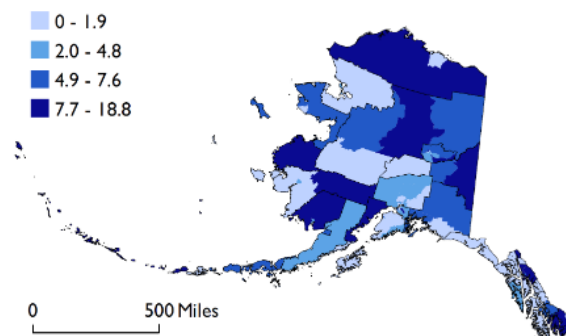
Executive Summary

More than 4% of the American workforce identifies as lesbian, gay, bisexual, or transgender (LGBT). Approximately 13,100 of these workers live in Alaska. Alaska does not have a statewide law that prohibits discrimination based on sexual orientation or gender identity in employment.

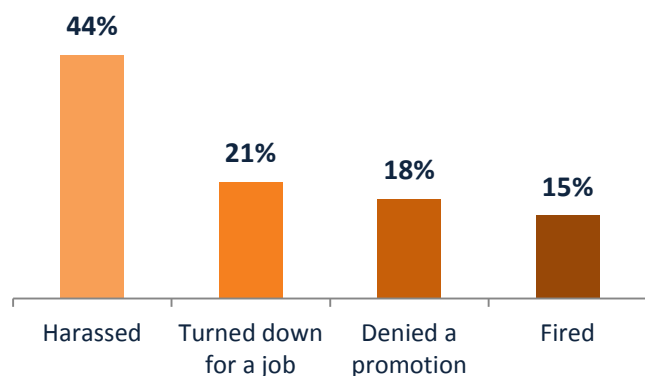
This report summarizes evidence of sexual orientation and gender identity employment discrimination, explains the current limited protections from employment discrimination based on sexual orientation and gender identity in Alaska, and estimates the administrative impact of passing a law prohibiting employment discrimination based on these characteristics in the state.

13,100	32%	79%	0%	6
Number of LGBT Workers	Income Disparity between Straight and Gay Male Workers	Public Support for LGBT Workplace Protections	Workforce Covered by LGBT Inclusive Local Non-Discrimination Laws or Policies	Estimated New Complaints if LGBT Protections are Added to State Laws

Same-sex couples per 1,000 households, by Census tract (adjusted)



Workplace experiences reported by LGBT people in Anchorage, Alaska¹



Key findings of this report include:

- In total, there are approximately 19,200 adults who identify as LGBT in Alaska, including approximately 13,100 who are part of Alaska's workforce.²
- Incidents of sexual orientation and gender identity employment discrimination in Alaska have been documented in legislative testimony.
- Survey data indicate that discrimination against LGBT workers is prevalent across the country, including in Alaska. In a 2011 survey of LGBT residents of Anchorage, 44% of respondents reported that they had been harassed by their employer or co-workers because of their sexual orientation or gender identity, and 16% reported that they were forced to leave their jobs due to harassment. Additionally, 21% reported that they had been turned down for a job; 18% reported that they had been denied a promotion; and 15% reported that they had been fired because of their sexual orientation or gender identity.
- When transgender people are surveyed separately, they report similar or higher levels of discrimination. In 2010, 78% of respondents to the largest national survey of transgender people to date reported having experienced harassment or mistreatment at work, and 47% reported having been discriminated against in hiring, promotion, or job retention because of their gender identity.
- Census data show that in Alaska, the median income of men in same-sex couples is 32% lower than the median income of men in different-sex marriages.
- A gubernatorial executive order protects employees of state agencies in Alaska from employment discrimination based on sexual orientation.
- No localities in Alaska have passed ordinances or policies that prohibit sexual orientation or gender identity discrimination in employment.
- At least 17 of Alaska's 25 largest employers have adopted corporate policies that prohibit discrimination based on sexual orientation, and at least 11 also prohibit discrimination based on gender identity. Additionally, the Regents of the University of Alaska have adopted policy prohibiting discrimination based on sexual orientation in University employment.
- Public opinion in Alaska supports the passage of non-discrimination protections for LGBT people. In response to a national poll conducted in 2011, 79% of those polled in Alaska said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity. In addition, other polls have found that 77% of Alaska residents think that LGBT people experience a moderate amount to a lot of discrimination in the state.

- Adding sexual orientation and gender identity to the state’s current non-discrimination laws would result in approximately six additional complaints being filed each year, on average.
- The additional six complaints per year would most likely have no noticeable impact on the state’s budget and resources.

Evidence of Discrimination

Survey Data and Specific Examples of Sexual Orientation and Gender Identity Discrimination in Alaska

The existence of widespread and continuing discrimination against LGBT workers in the U.S. is well documented. In response to national surveys, LGBT people consistently report experiences of discrimination in the workplace, and non-LGBT people often report witnessing discrimination against LGBT co-workers. For example, a national survey conducted by Pew Research Center in 2013 found that 21% of LGBT respondents had been treated unfairly by an employer in hiring, pay, or promotions because of their sexual orientation or gender identity.³ Similarly, on the 2008 General Social Survey, another nationally representative poll, 37% of gay men and lesbians reported experiences of workplace harassment in the last five years, and 12% reported losing a job because of their sexual orientation.⁴ In 2010, 78% of respondents to the most comprehensive survey of transgender people to date reported experiences of harassment or mistreatment at work, and 47% reported experiences of discrimination in hiring, promotion, or job retention because of their gender identity.⁵

Similar statistics have been found in a survey of LGBT individuals in Alaska. In a 2011 survey of LGBT residents of Anchorage, 44% of respondents reported that they had been harassed by their employer or co-workers.⁶ Sixteen percent of respondents reported that they were forced to leave their jobs because of the harassment.⁷ Additionally, 21% of respondents said they had been turned down for a job, 18% said they had been denied a promotion, and 15% reported being fired because of their sexual orientation or gender identity.⁸ Further, over 73% of respondents reported hiding their sexual orientation or gender identity at work to avoid discrimination.⁹ Transgender respondents reported discrimination and harassment at higher rates than non-transgender LGB respondents. Specifically, 56% of transgender respondents reported that they had been harassed by their employers or co-workers, and 32% reported that they were unable to use a gender-appropriate bathroom at work.¹⁰

Instances of employment discrimination against LGBT people in Alaska have also been documented in legislative testimony. Examples include:

- At a public hearing in Anchorage in June 2009, a letter was submitted by a transgender woman who had been denied multiple state jobs because of her gender identity.¹¹ She was a former Marine and had been told she was highly qualified for a position at a state youth center. However, after she transitioned, her repeated applications for a position at the youth center were rejected. Later, she was hired as a psychiatric nursing assistant at a state-run nursing

facility, but was fired after a problem arose with her social security number. She explained that her name change had caused the issue, and thought everything had been resolved. However, she reported that she was terminated without explanation a few days later in a letter that said her “services were no longer needed.” Later, she heard that a co-worker had been going around calling her “he/she.” After she was terminated she was unable to find work in any of the fields she had experience in, including security, corrections, youth corrections, and mental health counseling.

- In 2013, a resident of Anchorage submitted a letter to the state legislature stating that she had experienced harassment and discrimination at her public school job because of her sexual orientation.¹² The woman reported that her boss told her co-workers that she would not “have anyone with that lifestyle in [her] building.” The woman also stated that other LGBT people she worked with were not open about their sexual orientation because they feared discrimination.
- In 2013, a resident of Juneau reported that during 15 years of working at a job center in Alaska helping other people find work, she heard many stories from LGBT people who had experienced employment discrimination in the state.¹³

Wage Inequity

Census data show that individuals in same-sex couples in Alaska earn less than individuals married to different-sex partners. On average, men in same-sex couples in Alaska earn \$31,168 each year, significantly less than the \$47,164 for men married to different-sex partners.¹⁴ The median income of men in same-sex couples in Alaska is \$27,200, 31% less than that of married men (\$40,000).¹⁵ Women in same-sex couples in Alaska earn an average of \$32,809 per year (with a median of \$30,000); more than women married to different-sex partners whose earnings average \$26,051 (with a median of \$23,900).¹⁶ Surveys of transgender people find that they have high rates of unemployment and very low earnings.¹⁷

Although regression analyses were not done on the earnings data above, other studies that have analyzed earnings data using such methods have found that men in same-sex couples earn less than heterosexual men, even when they have the same productive characteristics. These studies have controlled for factors unrelated to sexual orientation that may contribute to higher earnings, such as education and work experience. The studies consistently find that men in same-sex couples and gay men earn 10-32% less than similarly qualified men who are married to different-sex partners, or men who identify as heterosexual.¹⁸

Current Protections from Discrimination

Alaska does not have a statewide statute that prohibits discrimination based on sexual orientation or gender identity in employment. However, a gubernatorial executive order prohibits discrimination based on sexual orientation against state government employees, and a number of private corporations

in Alaska have adopted internal policies that prohibit employment discrimination based on sexual orientation and gender identity.

Alaska Human Rights Law

The Alaska Human Rights Law prohibits employers from discriminating based on race, religion, national origin, sex, age, physical or mental disability, marital status, changes in marital status, pregnancy, and parenthood.¹⁹ The law does not prohibit discrimination based on sexual orientation or gender identity. The non-discrimination requirements apply to both public and private sector employers, but do not apply to religious organizations.²⁰

The Alaska State Commission for Human Rights is responsible for administrative enforcement of the Human Rights Law.²¹ The Commission has the power to accept and investigate complaints, and attempt to remedy any violations of the law through informal measures, such as conferences and conciliations.²² The Commission may award remedies when discrimination is found, including hiring, reinstatement, and back pay.²³ The Human Rights Act also allows an employee to file a complaint in court, rather than proceeding administratively through the Commission.²⁴

Executive Order Prohibiting Discrimination against State Employees

In 2002, former Governor Tony Knowles issued an executive order banning employment discrimination on the basis of sexual orientation against state government employees.²⁵ The order requires executive agency heads to design and implement a process for handling complaints of sexual orientation discrimination within the agency, to provide diversity training for all state personnel, to increase outreach and recruitment efforts in order to ensure diversity of opportunity for all Alaskans, and to provide diversity-focused customer service training for all employees who deal with the public, and to implement a procedure for the public to file complaints of discrimination against state agencies.²⁶ The order does not permit employees to file suit in court based on a violation of the non-discrimination requirements.²⁷ The executive order protects nearly 31,000 state employees from discrimination based on sexual orientation.²⁸

Local-Level Protections from Discrimination

No localities in Alaska have passed ordinances prohibiting employment discrimination on the basis of sexual orientation or gender identity.

Private Company and University Non-Discrimination Policies

Private companies adopt internal policies prohibiting discrimination based on sexual orientation and gender identity for a variety of reasons including improved recruitment and retention of talented employees, increasing employee productivity and customer satisfaction, and attracting a larger customer base.²⁹ One study of corporate motivations behind adopting workplace non-discrimination

policies found that 53% of the top companies in the U.S. with LGBT-supportive policies had adopted the policies for economic reasons.³⁰

Academic research has found that LGBT-supportive corporate policies are linked to positive business-related outcomes, including greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes among LGBT employees.³¹ For example, a 2006 national poll found that 89% of LGBT respondents and 72% of non-LGBT respondents reported that when deciding where to work, it was important that an employer have a written non-discrimination policy that includes race, ethnicity, sex, religion, age, sexual orientation and disability.³² Research also suggests that employers limit their available talent pool by screening out applicants based on their sexual orientation. One study found that the rate of screening out gay male applicants was twice as high in regions without sexual orientation non-discrimination laws.³³

Additionally, LGBT-supportive workplace policies can expand opportunities to secure potentially lucrative government contracts for corporate employers. A 2011 study found that 68 local governments had laws requiring contractors to have LGBT-inclusive non-discrimination policies.³⁴ A number of states have similar laws that apply to state government contracts.³⁵ Without such policies, companies would not be eligible to bid for contracts with these state and local governments.

At least 17 of Alaska's 25 largest employers have adopted internal policies prohibiting discrimination based on sexual orientation, and 11 of those employers also prohibit gender identity discrimination in their policies.³⁶ Additionally, the Regents of the University of Alaska have adopted an internal policy that prohibits discrimination based on sexual orientation against university employees.³⁷

Public Opinion

Public opinion in Alaska supports the passage of non-discrimination protections for LGBT people. In response to a national poll conducted in 2011, 79% of those polled in Alaska said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity.³⁸

In addition, public opinion data indicate that Alaska residents perceive the state as unfriendly to LGBT people. Aggregated data from two large public opinion polls found that 77% of Alaska residents think that LGBT people experience a moderate amount to a lot of discrimination in the state.³⁹

Administrative Impact

Complaint Estimate

Despite the persistence and pervasiveness of employment discrimination against LGBT people, studies show that enforcing sexual orientation and gender identity provisions in non-discrimination laws has only a minimal burden on state agencies. Complaints of sexual orientation discrimination are filed by LGBT people at approximately the same rate as complaints of race and sex discrimination are filed by

people of color and women, respectively.⁴⁰ However, because the LGBT population is so small, the absolute number of sexual orientation and gender identity complaints filed under state non-discrimination laws is very low.⁴¹

We estimate that approximately six complaints of sexual orientation or gender identity discrimination would be filed in Alaska each year. To reach this estimate, we drew on Gallup polling data and Census data from Alaska to estimate the size of the LGBT workforce in the state, and applied a national sexual orientation and gender identity complaint rate to that population. We have previously used this methodology to estimate the number of complaints that would be filed on the basis of sexual orientation and gender identity in a number of other states.⁴²

Results from a 2012 Gallup poll show that 3.4% of people in Alaska identify as LGBT.⁴³ Applying this percentage to the number of people in Alaska's workforce (386,509⁴⁴) indicates that there are an estimated 13,141 LGBT employees in Alaska.

Next, we applied the rate of complaints filed on the basis of sexual orientation or gender identity to the number of LGBT workers in Alaska to estimate how many complaints would be filed annually if these characteristics were added to the employment non-discrimination law. We used the national average complaint rate from a 2008 study that analyzed administrative complaint data from 17 states that prohibited sexual orientation discrimination at that time.⁴⁵ The study found that across these states, the average rate of complaints filed on the basis of sexual orientation was 4.7 per 10,000 LGB workers.⁴⁶ There is not sufficient data to make a similar calculation of the average rate of complaints filed on the basis of gender identity.⁴⁷ Therefore, we assume that this rate is also 4.7 per 10,000 transgender workers.

Applying the national complaint rate (4.7 per 10,000 LGBT workers) to the number of LGBT workers in Alaska's workforce (13,141) suggests that, on average, approximately six cases of sexual orientation and gender identity discrimination would be filed under the Alaska State Commission for Human Rights annually if these characteristics were added to the state's employment non-discrimination law.

Cost of Enforcement

Available data suggest that an additional six complaints would not be costly or burdensome to enforce. According to the Human Rights Commission's nine most recent annual reports (2006-2014), the Commission handled an average of 380 discrimination complaints annually. The annual reports do not provide enough data to determine the cost of enforcement per complaint, so it is not possible to precisely estimate any added expense associated with the additional six complaints.

However, the data suggest that the additional complaints would have minimal impact on the Human Rights Commission. Annual fluctuations in the number of discrimination complaints filed with the have varied from 8 to 128 complaints over the nine years from 2006 through 2014. From year to year, the number of complaints filed has varied by an average of 68 complaints. This information suggests that an

additional six complaints per year would be well within the range of normal variation and could be absorbed by the Human Rights Commission with minimal impact on staff and resources.

<i>Year</i>	<i>Caseload</i>	<i>Change in Number of Complaints from Previous Year</i>
2014	439 ⁴⁸	48
2013	391 ⁴⁹	101
2012	492 ⁵⁰	114
2011	378 ⁵¹	34
2010	412 ⁵²	68
2009	344 ⁵³	8
2008	336 ⁵⁴	42
2007	378 ⁵⁵	128
2006	250 ⁵⁶	NA

Additionally, complaints that were filed in court, rather than administratively, would most likely have no noticeable impact on the state judicial system. In the 2014 fiscal year, the Alaska Court System recorded over 109,000 case filings.⁵⁷ Given the size of the judicial caseload, an additional six complaints filed each year would most likely have very little impact. Additionally, it is likely that a portion of the six complaints filed each year would be resolved administratively rather than proceeding through court.

Conclusion

Documented evidence shows that LGBT people face employment discrimination across the country, including in Alaska. There is currently no statewide law that prohibits discrimination based on sexual orientation or gender identity in public and private sector employment in Alaska. Adding these characteristics to the state’s employment non-discrimination law would provide protection from discrimination to approximately 13,100 LGBT workers in the state. Based on data from other state administrative enforcement agencies, we estimate that, on average, approximately six complaints of sexual orientation or gender identity employment discrimination would be filed in Alaska annually if the law were amended. It is likely that enforcement of the additional complaints would have a minimal impact on the state’s budget and resources.

About the Williams Institute

The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website.

FOR MORE INFORMATION

The Williams Institute, UCLA School of Law
Box 951476
Los Angeles, CA 90095-1476
(310)267-4382
williamsinstitute@law.ucla.edu
www.law.ucla.edu/williamsinstitute

Endnotes

¹ MELISSA S. GREEN, ANCHORAGE LGBT DISCRIMINATION SURVEY: FINAL REPORT 33 (2012), http://alaskacommunity.org/wp-content/uploads/2012/03/akq_final_report.pdf.

² These estimates were reached by applying the percentage of people in Alaska that are LGBT (3.4 percent) to the population of Alaska aged 16 years and older (565,742) and the number of people in the Alaska civilian labor force (aged 16 years and older) (386,509), respectively. Gary J. Gates & Frank Newport, *LGBT Percentage Highest in D.C., Lowest in North Dakota*, Gallup, Feb. 15, 2013, <http://www.gallup.com/poll/160517/lgbt-percentage-highest-lowest-north-dakota.aspx>; American Community Survey, U.S. Census Bureau, American FactFinder, 2013 ACS Table DP03: Selected Economic Characteristics, 1-Year Estimates, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_DP03&prodType=table (last visited on June 9, 2015).

³ A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times, Pew Research Ctr. (June 13, 2013), <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/>.

⁴ BRAD SEARS & CHRISTY MALLORY, DOCUMENTED EVIDENCE OF EMPLOYMENT DISCRIMINATION & ITS EFFECTS ON LGBT PEOPLE 2 (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>.

⁵ JAMIE M. GRANT, LISA A. MOTTET, JUSTIN TANIS, JACK HARRISON, JODY L. HERMAN & MARA KEISLING, INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY 51 (2011), http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

⁶ GREEN, *supra* note 1 at 33 (2012).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 34-35.

¹¹ Letter from Laura E. O’Lacy to Anchorage Assembly, June 2009 (writing in support of Anchorage Ordinance 64).

¹² Letter from Anchorage Resident to Rep. Beth Kerttula, Apr. 6, 2013 (writing in support of HB139) (on file with author).

¹³ Letter from Juneau Resident to Rep. Beth Kerttula (writing in support of HB139) (on file with author).

¹⁴ ADAM P. ROMERO, AMANDA K. BAUMLE, M.V. LEE BADGETT & GARY GATES, CENSUS SNAPSHOT: ALASKA 2 (2007), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/AlaskaCensus2000Snapshot1.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ M.V. Lee Badgett, Holning Lau, Brad Sears & Deborah Ho, *Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination 1998-2008*, 84 CHI.-KENT L. REV. 559, 559-60 (2009).

¹⁹ ALASKA STAT. §§ 18-80-200(b), 18-80-220 (2014).

²⁰ *Id.* § 18-80-300(5).

²¹ *Id.* §§ 18-80-050, 18-80-060.

²² *Id.* §§ 18-80-105; 18-80-110.

²³ *Id.* § 18-80-130(a)(1).

²⁴ *Id.* § 18-80-145(a).

²⁵ Ala., Admin. Order No. 195 (2002), available at <http://www.gov.alaska.gov/admin-orders/195.html>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Calculated by authors using data from the American Community Survey, 2013 1-Year-Estimates, Alaska: Sex by Class of Worker for the Civilian Population Aged 16 Years and Over available at http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_B24080&prodType=table (last visited June 9, 2015).

²⁹ See BRAD SEARS & CHRISTY MALLORY, ECONOMIC MOTIVES FOR ADOPTING LGBT-RELATED WORKPLACE POLICIES (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>.

³⁰ *Id.*

³¹ M.V. LEE BADGETT, LAURA E. DURSO, ANGELIKI KASTANIS & CHRISTY MALLORY, THE BUSINESS IMPACT OF LGBT-SUPPORTIVE WORKPLACE POLICIES (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-LGBT-Policies-Full-Report-May-2013.pdf>.

³² Out & Equal, Harris Interactive & Witeck Combs Commc'n, *Majority of Americans: Companies Not Government Should Decide Benefits Offered to Same-Sex Employees*, OutAndEqual.org (May 22, 2006) (on file with The Williams Institute).

³³ Andras Tilcsik, *Pride and Prejudice: Employment Discrimination against Openly Gay Men in the United States*, 117 Am. J. Soc. 586, 590-93 (2011).

³⁴ Christy Mallory & Brad Sears, *An Evaluation of Local Laws Requiring Government Contractors to Adopt LGBT-Related Workplace Policies*, 5 ALB. GOV'T L. REV. 478, 481 (2011).

³⁵ For example, California (CAL. GOV. CODE § 12990 (2013)), Delaware (DEL. CODE ANN. tit., 29 § 6962(d)(7) (2013)), and Maryland (MD. CODE ANN., STATE FIN. & PROC. § 19-101 (LexisNexis 2013)), among others.

³⁶ The list of the largest employers in Alaska is available at State of Ala., Dept' of Labor and Workforce Dev., Alaska's Largest Private Sector Employers in 2010, <http://laborstats.alaska.gov/lgstemp/lgstemp.htm> (last visited June 10, 2015). Employment policies that include sexual orientation and or gender identity are available at Providence Health & Services, Employee Demographic Information, <http://www2.providence.org/phs/employees/Documents/newhire/NewHireDocs.pdf> (last visited June 10, 2015); Walmart Adds Gender Identity, Expression to Non-Discrimination Policy, LGBTQNation.com, Sept. 28, 2011, <http://www.lgbtqnation.com/2011/09/walmart-adds-gender-identity-expression-to-non-discrimination-policy/>; Safeway, Welcome Aboard 21, <http://www.careersatsafeway.com/wp-content/uploads/2012/11/Safeway-SMT-Retail-Onboarding-Brochure.pdf> (last visited June 10, 2015); Kroger, The Kroger Co. Policy on Business Ethics 7 (Dec. 19, 2014), <http://www.thekrogerco.com/docs/default-document-library/business-ethics-policy-april-2014.pdf?sfvrsn=6> (Fred Meyer is a subsidiary of Kroger); Trident Seafoods, Join Our Team, http://www.tridentseafoods.com/join_our_team/ (last visited June 10, 2015); BP, Our Code at 29, http://www.bp.com/content/dam/bp/pdf/code-of-conduct/bp_code_of_conduct.PDF (last visited June 10, 2015); CH2M, CH2M Equal Employment Opportunity and Affirmative Action Policy Statement, <http://www.ch2m.com/policies/CH2M-equal-employment-opportunity-and-affirmative-action-policy-statement> (last visited June 10, 2015); Alaska Air, Applications for Employment, available at <http://alaskaair.jobs/jobs/> (last visited June 10, 2015); GCI, Careers at GCI, <http://www.gci.com/about/careers> (last visited June 10, 2015); Banner Health, Code of Conduct, <https://www.bannerhealth.com/NR/rdonlyres/A74D0CC5-6374-4A6E-9B23-6F966FA791D0/65534/3565912BannerCodeOfConductCURRENT1.pdf> (last visited June 10, 2015); FedEx, Code of Business Conduct and Ethics 8 (2014), http://investors.fedex.com/files/code_of_business/BusCodeConduct_english_FINAL-September-2014.pdf; ConocoPhillips, Equal Employment Opportunity Policy (Sept. 1, 2013),

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³⁷ Regents' Policy & University Regulation, Univ. Ala., Ch. 1, P.01.02.020 (Feb. 18, 2011), <https://www.alaska.edu/bor/policy/01-02.pdf>.

³⁸ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Public Religion Research Institute Survey (2011) (data and calculations on file with author).

³⁹ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with author).

⁴⁰ M.V. Lee Badgett, Christopher Ramos & Brad Sears, Williams Inst., *Evidence of Employment Discrimination on the Basis of Sexual Orientation and Gender Identity: Complaints Filed with State Enforcement Agencies 1999-2007* (2008), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Sears-Ramos-Emply-Discrim-1999-2007-Nov-08.pdf>; William B. Rubenstein, *Do Gay Rights Laws Matter?: An Empirical Assessment*, 75 S. Cal. L. Rev. 66, 79-81 (2001).

⁴¹ Badgett, *supra* note 88.

⁴² See *Workplace*, The Williams Inst., <http://williamsinstitute.law.ucla.edu/category/research/workplace/> (last visited on Feb. 28, 2015).

⁴³ Gates, *supra* note 1, at 1.

⁴⁴ American Community Survey, U.S. Census Bureau, American FactFinder, 2013 ACS Table DP03: Selected Economic Characteristics, 1-Year Estimates, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_DP03&prodType=table (last visited on Feb. 28, 2015).

⁴⁵ "National average" refers to the average of the complaint rates in 17 states across the country that prohibited sexual orientation discrimination in 2008. Badgett, *supra* note 88.

⁴⁶ The data gathered for the 2008 study included all employment discrimination complaints filed on the basis of sexual orientation; it was not limited to complaints filed by LGB employees. Heterosexual employees may also file complaints under sexual orientation non-discrimination laws if they were discriminated against because of their heterosexuality or because they were perceived to be LGB. However, we use the LGB workforce as the underlying population for purposes of our analysis because LGB employees likely file the vast majority of sexual orientation discrimination complaints. See Rubenstein, *supra* note 88.

⁴⁷ Badgett, *supra* note 88, at 5.

⁴⁸ ALASKA STATE COMM. FOR HUMAN RIGHTS, 2014 ANNUAL REPORT 14 (2015), http://humanrights.alaska.gov/files/annual_reports/2014%20Scanned%20AR%20%283%29fixed.pdf.

⁴⁹ ALASKA STATE COMM. FOR HUMAN RIGHTS, 2013 ANNUAL REPORT 14 (2014), http://humanrights.alaska.gov/files/annual_reports/2013%20Annual%20Report.pdf.

⁵⁰ ALASKA STATE COMM. FOR HUMAN RIGHTS, 2012 ANNUAL REPORT 14 (2013), http://humanrights.alaska.gov/files/annual_reports/2012%20Annual%20Report.pdf.

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⁵⁴ ALASKA STATE COMM. FOR HUMAN RIGHTS, 2008 ANNUAL REPORT 10 (2009), http://humanrights.alaska.gov/files/annual_reports/2008-Annual-Report.pdf.

⁵⁵ ALASKA STATE COMM. FOR HUMAN RIGHTS, 2007 ANNUAL REPORT 11 (2008), http://humanrights.alaska.gov/files/annual_reports/2007-Annual-Report.pdf.

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⁵⁷ ALASKA COURT SYSTEM, ANNUAL REPORT FY 2014 121 (2014), <http://courts.alaska.gov/reports/annualrep-fy14.pdf>.