



MASSACHUSETTS INSTITUTE OF TECHNOLOGY  
**GRADUATE STUDENT COUNCIL**

**Statement on Ballot Question 3 of the Massachusetts 2018 General Election**

On July 8<sup>th</sup> 2016, S.2407, entitled *An Act relative to transgender anti-discrimination*, was signed into law in Massachusetts. This legislation provides for protection from discrimination on the basis of gender identity in public places including restaurants, stores, hotels, nursing homes, and hospitals. The MIT Graduate Student Council (GSC), which represents the 6,900 graduate students of the Massachusetts Institute of Technology (MIT), strongly supported the passage of S.2407<sup>1</sup>. Two months after passage of the bill, the Massachusetts Family Institute, in opposition to S.2407, gathered the number of signatures required to qualify a veto referendum measure (hereinafter referred to as Question 3) on the 2018 Massachusetts general election ballot. The language of Question 3 specifies that a “yes” vote supports upholding S.2407 and transgender protections, while a “no” vote supports overturning S.2407. As the GSC continues to support policies that protect the rights of all students regardless of sex, sexual orientation, or gender identity and expression, **we believe that S.2407 should be upheld and strongly support a Yes vote on Question 3.**

As of January 2018, Massachusetts is one of 18 states that has implemented laws that protect against discrimination based on gender identity. These laws are critical for providing protection for friends, neighbors, and colleagues from very real discrimination; before the passage of S.2407, a 2014 survey conducted by the Fenway Institute found that 65 percent of transgender people in Massachusetts reported experiencing discrimination in public accommodations. In the survey, “discrimination was defined as mistreatment on the basis of one’s transgender or gender nonconforming identity/presentation and included verbal harassment and physical assault”<sup>2</sup>. Eliminating the protections provided by S.2407 would allow for a return of this discrimination. Concerns that anti-discrimination protections could be used to excuse misconduct in bathrooms or locker rooms are unfounded. S.2407 explicitly prohibits people from using gender identity for any “improper purpose,” and the legislation does not change or weaken existing laws regarding harassment and assault.

In addition to safeguarding civil rights, protecting transgender equality also preserves economic competitiveness in Massachusetts. A 2016 study found that on average, firms in states that passed non-discrimination acts experienced an 8% increase in the number of patents and an 11% increase in patent citations compared to firms in states without such legislation<sup>3</sup>. Companies may also be less willing to make investments in Massachusetts should it remove LGBT protections, a consequence faced by other states that have taken such action. For example, before it was repealed and replaced, North Carolina’s HB2, a law eliminating anti-discrimination protections for members of the LGBT community, was projected to cost the state \$3.76 billion over the next twelve years, with several companies halting or reconsidering expansions within North Carolina<sup>4,5</sup>. Keeping S.2407 in place will ensure that Massachusetts continues to attract business owners and innovative minds.

Protecting the civil rights of people of all gender identities in every setting, including public accommodations, is crucial for safeguarding the rights of MIT students and all visitors and residents of our

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<sup>1</sup> <http://gsc.mit.edu/wp-content/uploads/2016/11/EAB-2016-MA-Gender-Identity-Letter.pdf>

<sup>2</sup> Reisner, S. L., et al. “Discrimination and health in Massachusetts: a statewide survey of transgender and gender nonconforming adults.” *Fenway Health* (2014).

<sup>3</sup> Zhang, Huasheng GaoWei. “Non-Discrimination Laws Make U.S. States More Innovative.” *Harvard Business Review*, 17 Aug. 2016.

<sup>4</sup> Dalesio, Emery P. “AP Exclusive: Price Tag of North Carolina’s LGBT Law: \$3.76B.” *AP News*, Associated Press, 27 Mar. 2017.

<sup>5</sup> Surowiecki, James. “The Corporate Fight for Social Justice.” *The New Yorker*, The New Yorker, 18 June 2017.



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**Commonwealth. S.2407 allows people of all gender identities to utilize public spaces and accommodations without fear of discrimination; to uphold this level of safety, privacy, and respect, we urge the citizens of Massachusetts to vote Yes on Ballot Question 3.**

*Prepared by the External Affairs Board on behalf of the MIT Graduate Student Council. August 2018*