

QUESTIONS AND ANSWERS

ABOUT DOMESTIC PARTNER BENEFITS

Pride and Equity Faculty and Staff Association
Domestic Partner Benefits Subcommittee
The University of Texas at Austin
April 2008



“All too often a sterling faculty prospect considers a dozen schools at the outset of her search. When she visits our campus, she decides that the choice is between us and one other school, and her heart is with us. We really do compete well when prospects see our programs, our faculty, and our students. But then she compares the two offers, and we’re not competitive. So we lose her.”

***President William Powers
State of the University Address
September 19, 2007***

“I left UT to take a tenured position at Portland State University because it was made unequivocally clear to me that the UT administration had no interest in finding a way to provide benefits for the partners of lesbian and gay staff and faculty.”

***Professor Keith Walters
Former Full Professor, Linguistics
Former Associate Director, Center for Middle Eastern Studies***

“In sum, we failed to make the best hire because UT does not offer same-sex spouse benefits. I’m certain that versions of this story get played out across campus every year. Indeed, without a meaningful change on same-sex spouse benefits, UT will always be at a hiring disadvantage in comparison with the best universities in the country, both public and private.”

***Professor Nicolas Shumway
Chair, Department of Spanish and Portuguese
Tomàs Rivera Regents Professor of Spanish Language and Literature***

TABLE OF CONTENTS

Report Summary 7

Introduction 9

Recommendations 10

What compelling reasons are there for The University of Texas at Austin to offer Domestic Partner Benefits? 11

In what ways have The University of Texas at Austin employees suffered harm from the lack of Domestic Partner Benefits? 14

Is there a significant difference in employee compensation due to a lack of Domestic Partner Benefits? 15

Has The University of Texas at Austin lost faculty or staff by not offering Domestic Partner Benefits? 20

What other universities recognize Domestic Partner Benefits and what are their experiences? 21

Are there universities in states with Defense of Marriage Act legislation that nonetheless offer Domestic Partner Benefits? 23

What other well-known employers offer Domestic Partner Benefits? 25

Do any other universities or public employers in Texas offer DPB? 27

What would be the approximate cost to The University of Texas at Austin for implementing Domestic Partner Benefits? 28

What about other, non-medical benefits? 30

What are the challenges to universities desiring to provide Domestic Partner Benefits? 31

Is there a Board of Regents resolution against Domestic Partner Benefits at The University of Texas at Austin? 32

Conclusion..... 33

Acknowledgments 34

APPENDIX A: University of Texas Nondiscrimination Policy 35

APPENDIX B: Testimonies from employees not receiving benefits 36

APPENDIX C: Faculty and staff accounts of recruitment and retention failures caused by a lack of Domestic Partner Benefits 43

APPENDIX D: Example policies from similarly situated institutions..... 49

APPENDIX E: Equality Texas White Paper 56

APPENDIX F: “Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage” 58

LIST OF TABLES

Table 1. Benefits, compensation, and expense comparison between legally married faculty member and faculty member with a Domestic Partner	15
Table 2. Domestic Partner coverage at peer institutions	22
Table 3. Expenditure calculations.....	28
Table 4. Comparison of other benefits coverage	30

Report Summary

In 2006 the Pride and Equity Faculty/Staff Association (PEFSA) was established as a University Resource Group for gay, lesbian, bisexual and transgender (GLBT) employees at The University of Texas at Austin. As a result of concerns regarding workplace equity for GLBT faculty and staff, a PEFSA subcommittee was formed. The committee conducted research, benchmarked peer institutions, and interviewed faculty and staff on campus. After this yearlong study, the committee produced a 70-page report containing questions and answers regarding domestic partner benefits (DPB). The following summarizes the major findings of the report and the recommendations by PEFSA to the President of UT Austin.

Findings

1. UT Austin does not provide benefits to partners of faculty and staff members unless the relationship qualifies as a “marriage” according to Texas law. The consequences are an inequity in compensation and an inherent message that domestic partners are “less than.” As a result, UT Austin is losing top faculty and staff.
 - Recruitment and retention: Tenured faculty and seasoned staff are leaving the University and potential hires are declining offers from UT due to the lack of benefits for Domestic Partners.
 - Equity: Research indicates that a married employee enjoys significantly greater overall compensation than their non-married counterpart even though both perform identical work.
 - The estimated difference in compensation for a faculty member earning \$80,000 per year is \$8,108.
 - Diversity: Because UT Austin does not offer DPB it undermines both its own non-discrimination policy and its ability to create and foster a diverse workforce.
2. The estimated cost to UT Austin to add DPB is .0058 of the current budget amount for health insurance expenditures.
3. Although Texas has a constitutional amendment limiting the definition of marriage to one man and one woman, other universities with similar state laws offer DPB to their faculty and staff.

4. The Board of Regents is not prohibited from providing DPB and is obligated under the Texas Education Code and Texas Insurance Code to provide benefits competitive with those offered by peer institutions and businesses with whom UT competes for employees.
 - 8 out of 10 peer institutions provide DPB
 - 304 universities including all Ivy League schools offer DPB
 - 9,374 employers in the United States offer DPB

Recommendations

PEFSA recommends that President Powers lead the effort to offer DPB at UT Austin by working with the Office of General Counsel and consulting with other university administrators, PEFSA, and Texas advocacy groups to:

- Develop a plan to implement DPB
- Immediately offer benefits not covered by the State Insurance Code (soft benefits)
- Supplement faculty and staff salaries to compensate for inequity until DPB are achieved

Introduction

This report was written by members of the Domestic Partner Benefits (DPB) subcommittee of the Pride and Equity Faculty Staff Association (PEFSA) at The University of Texas at Austin. PEFSA is a university resource group (URG) that advises the university on matters dealing with Gay, Lesbian, Bisexual, and Transgender (GLBT) faculty/staff concerns on campus.

“Pursuing domestic partner benefits not only advantages the GLBT community within UT, but bolsters the hopes and aspirations of all within the university who are allied with the principles of diversity, equity, and fairness. In that regard, progress for one is progress for all.”

***Julien Carter
Associate Vice President
for Human Resources***

For the purpose of this report the term Domestic Partner (DP) refers to any non-married couple in a long-term live-in relationship in which the parties are financially and emotionally dependent on one another. (See Appendix D for relevant definitions at other universities.) As a resource group representing the interests of GLBT faculty and staff, PEFSA believes that the adoption of benefits for all DPs (both same-sex and opposite-sex) would be of significant benefit to our constituency and the university at large.

The purpose of this report is to apprise members of the UT Austin administration of the ongoing problem caused by UT Austin’s lack of DPB. This policy not only undermines the university’s own nondiscrimination policy, it also compromises the recruitment and retention of top-notch faculty and staff. Recruitment is an issue not only to President Powers (as the quote starting this report demonstrates), but also to faculty and staff, and their testimony fills these pages. Recruitment of prominent faculty is valued by the public as well. In a recent poll conducted by faculty in McComb’s School of Business in 2002, Texans ranked top faculty as the second most important characteristic of a strong university.¹

The estimated cost of adding DPB would add approximately 0.6% (.0058) to the university’s overall annual expenditure for health insurance.

In order to act as a resource for UT Austin administrators who are interested in fostering diversity on campus, PEFSA presents the findings of our research on DPB, including faculty and staff testimony, projected budget calculations, analysis of existing UT Austin policies, discussion of policies already in place at peer institutions, and then offers its recommendations for adopting DPB.

¹ Peterson, R. (2002). The University of Texas at Austin Backstory: The Challenge Process Research Conclusion. Retrieved August 25, 2007, from <http://www.utexas.edu/opa/utbrand/research.html>.

Recommendations

The DPB subcommittee of PEFSA makes the following recommendations.

1. That the Office of the President at The University of Texas at Austin lead the effort to offer DPB at UT Austin (for same-sex and opposite-sex partners). This leadership includes:
 - a. Working with the Office of General Counsel and other qualified experts to develop a workable plan for offering DPB at UT Austin
 - b. Consulting with experienced administrators at other universities who have developed successful DPB programs while facing legal challenges similar to those found in Texas (see Appendix D)
 - c. Consulting with advocacy groups such as Equality Texas, the Human Rights Campaign, Lambda Legal Defense, and the National Gay and Lesbian Task Force to develop strategies for the particular challenges faced by UT Austin in offering such benefits (see Appendix E)
2. That the Office of the President direct that all benefits and services not covered by the State Insurance Code that are currently available to spouses of employees be immediately available to Domestic Partners of employees. These services and benefits include but are not limited to: bereavement, sick leave, and the services available at UT's Employee Assistance Program.
3. That the President meet with PEFSA on a quarterly basis until full benefits are achieved. The goal of these meetings would be that PEFSA continue to serve as a resource for and active partner in the effort to acquire DPB benefits at UT Austin.
4. That the university commit to supplementing faculty and staff salaries to adjust for the inequity in compensation, while the President and the Office of General Counsel work on establishing DPB through legal channels. For example, if it costs \$600.00 per month for an employee's partner to have medical, vision, and dental insurance with comparable deductibles and options, then the university would add this to the employee's salary, adjusting for the tax implications. This correction would begin fiscal year 2008-2009. Although this compensation would not completely equalize benefits, it would begin to assist those families impacted by this inequity.

What follows are answers to commonly asked questions regarding DPB. We present this research in the spirit of collaboration and in hopes of positive change.

What compelling reasons are there for The University of Texas at Austin to offer Domestic Partner Benefits?

Two reasons: equity and competitiveness.

The University of Texas at Austin maintains a policy that “prohibits discrimination based on sexual orientation.”² Yet, an employee with a spouse who is eligible for insurance coverage and other benefits enjoys significantly greater overall compensation than an employee with a domestic partner, even though the two employees may perform identical work. Major employers, including peer institutions, have chosen to provide DPB in order to remain competitive.

“Because Texas has always been a unique crossroads of cultures and ideas, diversity is at the core of our state’s vitality. That is our good fortune. As the flagship of Texas—and as an institution that expects from itself nothing less than the absolute best—The University of Texas at Austin must tap into the diversity that our state embodies.”

President William Powers

Faculty and staff who do not receive benefits for their Domestic Partners are always, by virtue of this inequity, at a financial disadvantage compared to employees who have benefits for their legally married spouses. See Table 1 on page 15, where UT Austin’s Human Resource Services calculated this difference for two sample employees, each making a salary of \$80,000. The employee who does not have DPB receives an estimated \$8,108 less in compensation, a significant cost burden. In addition, partners who do not have access to their own group health insurance are forced either to pay drastically higher premiums for an individual policy or face the risks associated with going without insurance.

In their book *Domestic Partner Benefits: An Employer’s Guide*, corporate attorneys Joseph S. Adams and Todd A.

Solomon write, “Employers striving to provide equal pay for equal work are beginning to realize that they will continue to treat employees inequitably until they institute domestic partner benefits.”³ Moreover, the rapid and widespread adoption of DPB in corporate America, as well as by universities and other employers, demonstrates how such benefits are increasingly seen as critical to attracting and retaining the best employees.

² The University of Texas at Austin Revised Handbook of Operating Procedures, Policy Number 4.B.1. (2001, December 1-2003, June 3). Retrieved March 19, 2008 from <http://www.utexas.edu/policies/hoppm/04.B.01.html>.

³ Adams, J. S., & Solomon, T. A. (2000). *Domestic Partner Benefits: An Employer’s Guide* (p. 5). Washington, DC: Thompson Publishing Group.

According to the *Chronicle of Higher Education*, “while the number of employees affected [by a DP policy] is small, the impact of the new benefits on their lives can be enormous....The new programs foster a climate in which they feel more comfortable and in which, for the first time, they say, their [relationships] are not only accepted but validated....While the cost to institutions may be minimal, the saving for employees can be significant.” “I was surprised at how emotional I felt when the administration went ahead and authorized this program,” says Minnie Bruce Pratt, a professor of women’s studies at the Union Institute in Ohio. “To have the place where I work really honor and respect my most significant personal relationship means a lot to me.” The *Chronicle* noted that “the absence of domestic-partnership policies has driven people away from some campuses.”⁴

According to *Trusteeship*, the publication of the Association of Governing Boards of Universities and Colleges, “In today’s full-employment economy, recruitment and

“The cost of replacing a single professor in the sciences [for example], at a public research 1 university, can average between \$214,000 for new assistant professors and \$1.2 million for high-end senior faculty.”

retention of top talent have become major challenges. On the social front, Americans over the past decade have placed increasing emphasis on diversity and tolerance for differences in the workplace and in society at large. So it is no surprise that proposals to extend benefits to domestic partners of employees—gay as well as straight—have emerged as major policy issues for employers, not least of which are the colleges and universities whose faculty members demand such benefits as a way to keep their institutions competitive.”⁵

In their employer’s guide to DPB, attorneys Adams and Solomon write that “extension of [DP] benefits is a top priority for many organizations striving to attain equal employment rights for gays and lesbians. Employers seeking to make the workplace reflect cultural changes are likely to consider offering domestic partner benefits at some point....In addition, employers may find that extending benefits to their employees’ domestic partners could be good for the corporate ‘bottom line’ (p. 14).”⁶ In fact, the National Academies’ 2006 Report to Congress states that the cost of replacing a single professor in the sciences [for example], at a public research 1 university, can average between \$214,000 for new assistant professors and \$1.2 million for high-end senior faculty.”⁷

⁴ Wilson, R. (1999). For Gay Academics, Benefits for Partners Have a Financial and Emotional Impact. *Chronicle of Higher Education*, 45(23).

⁵ Roosevelt T. Jr. (2000). What Campuses Can Offer: Domestic Partner Benefits. *Trusteeship* 8(3).

⁶ Adams, J. S., & Solomon, T. A. (2000). *Domestic Partner Benefits: An Employer’s Guide* (p. 14). Washington, DC: Thompson Publishing Group.

⁷ The National Academies; Beyond Bias and Barriers: Fulfilling the Potential of Women in Academic Science and Engineering (2007). *Committee on Science, Engineering, and Public Policy*. Washington, D.C.: The National Academies Press.

In addition to competing with comparable universities for human resources, UT also competes in the Austin labor market for employees. This is especially true for staff positions. The City of Austin, Travis County, Dell Computers, Whole Foods, and more employers all provide DPB. UT is at a hiring disadvantage, locally, because it does not offer DPB.

In what ways have The University of Texas at Austin employees suffered harm from the lack of Domestic Partner Benefits?

Lack of DPB creates a two-tiered system of compensation at UT Austin that fosters a climate many perceive as unfair and not in keeping with the university's best traditions and stated commitments to excellence and diversity.

Obviously, employees whose partners have been ineligible for health care coverage and other benefits have borne higher expenses, and often greater inconvenience at difficult times, than would similarly situated married couples. But this is to assume that these partners have access to insurance at all. Those who are previously uninsured, who have chronic or pre-existing medical conditions, or who are self-employed may not be able to find an insurance policy at all, or only one with such a high deductible (\$5,000 and \$10,000 deductibles are common for individual policies) that medical care is almost invariably paid out-of-pocket. Lack of access to medical care for partners has a serious economic and personal impact on UT Austin employees who are responsible for these family members. Consider the case of Professor John Clark, Annie Laurie Howard Regents Professor in the Department of Art and Art History. Here is his story in his own words:

“When I received a generous offer from Case Western Reserve that included a substantial salary increase and full domestic partner benefits for Michael Larvey, my partner of 29 years, I was sorely tempted to leave UT. But it was Michael who insisted that I shouldn't disrupt my academic life for his sake. As a self-employed designer, he was paying about \$400 per month for health insurance that offered no physician, no prescription plan, and an 80-20 payout after meeting a \$5,000 deductible. In fact, when the insurance company raised the premium in October of last year, he decided to go to a 50-50 plan to save \$100 per month. In December he went into congestive heart failure and into the hospital twice. [He had two operations.] The second operation (the procedure alone costing \$70,000) helped enormously and put him on the mend, but we faced huge medical bills.

Two lessons to this bitter tale: 1) If Michael had been paying for UT-Select, he would have had a primary care physician who could have detected the problem before it got so grave; 2) the salary increase I got in my counteroffer from UT didn't help much when it came to Michael's medical bills; they devastated our finances.”

**Professor John Clark
Annie Laurie Howard Regents Professor in the Department of Art and Art History
Department of Art and Art History**

Is there a significant difference in employee compensation due to a lack of Domestic Partner Benefits?

Yes.

UT Human Resources Services prepared the information in Table 1, which illustrates the disparity between the value of the benefit compensation package for employees in domestic partnerships versus the compensation enjoyed by their married counterparts. The chart assumes two faculty members who are similarly situated: both are 46 year old Associate Professors employed 5 years at UT with two legal children. The difference is that Employee A is legally married and is not insured outside of UT and Employee B has a Domestic Partner who cannot be insured through UT.

As Table 1 demonstrates, the difference in total yearly compensation for the employee with the Domestic Partner is \$8,108.03 less. The disparity in compensation between these two similarly situated, equally qualified, and valued employees increases exponentially for each year of service.

Table 1. Benefits, compensation, and expense comparison between legally married faculty member and faculty member with a Domestic Partner

Benefit	Employee A	Employee B	Employee A Annual Compensation	Employee A Annual Expense	Employee B Annual Compensation	Employee B Annual Expense	Employee B Partner Additional Annual Expense
Family	46 year old Associate Professor; Legal spouse not working at UT; Legal parents of two children; Employed five years at UT	46 year old Associate Professor; Domestic partner not working at UT; Legal parents of two children; Employed five years at UT					
Base Salary			\$80,800.00		\$80,800.00		
FICA ^b	Standard	Standard	\$4,405.67	\$4,405.67	\$4,624.55	\$4,624.55	

Benefit	Employee A	Employee B	Employee A Annual Compensation	Employee A Annual Expense	Employee B Annual Compensation	Employee B Annual Expense	Employee B Partner Additional Annual Expense
Health Insurance	For employee, children, and spouse; UT shares insurance premium for employee, dependents and spouse.	For employee and dependent children only; UT shares insurance premium for employee and children. Domestic partner pays for own insurance.	\$8,249.28	\$3,754.20	\$5,914.44	\$1,993.80	\$5,784.00
Dental Insurance	For employee, children, and spouse.	For employee and dependent children only. Domestic partner pays for own insurance.		\$1,009.08		\$709.65	\$165.00
Vision Insurance	For employee, children, and spouse.	For employee and dependent children only. Domestic partner pays for own insurance.		\$226.80		\$140.88	\$113.76
Life Insurance	For employee, children, and spouse: \$243,000 for employee \$50,000 for spouse \$10,000 for each child	For employee and children only: \$243,000 for employee \$10,000 for each child Domestic partner pays for own insurance: \$50,000.		\$443.16		\$366.84	\$228.72

Benefit	Employee A	Employee B	Employee A Annual Compensation	Employee A Annual Expense	Employee B Annual Compensation	Employee B Annual Expense	Employee B Partner Additional Annual Expense
AD&D Insurance	For employee, children, and spouse: \$240,000 for employee \$120,000 for spouse \$10,000 for each child	For employee and children. Domestic partner pays for own insurance. \$240,000 for employee \$10,000 for each child \$250,000 for domestic partner (could not find quote for under \$250K to match employee A's spouse)		\$69.12		\$48.18	\$77.40
Long-term Care	For employee and spouse only.	For employee only. Domestic partner pays for own insurance.		\$1,626.48		\$813.24	\$1,179.72
UTFLEX-Medical	Benefit available to entire family.	Benefit available to employee and children only.		\$1,000.00		\$750.00	\$250.00
COBRA coverage Assume 3 months	Coverage available for entire family:	Coverage available for employee & qualified dependents only.		\$3,369.42		\$2,226.87	
Employee Assistance Program	Services provided to employee, children, and spouse.	Services provided to employee and children; does not include domestic partner.					Difficult to determine.

Benefit	Employee A	Employee B	Employee A Annual Compensation	Employee A Annual Expense	Employee B Annual Compensation	Employee B Annual Expense	Employee B Partner Additional Annual Expense
Parental Leave	Available to employee for maternity leave, foster care, and adoption. Assume 4 wks in list of compensation and expenses here.	Available to employee for maternity leave, foster care, and adoption. Assume 4 wks in list of compensation and expenses here.		\$8,974.62		\$8,780.05	
Sick Leave	In addition to paid, personal (employee) sick leave, employee is allowed paid time off to care for members in immediate family: spouse, children, & immediate family members qualify. Assume three days off here for employee to take care of sick spouse.	In addition to paid, personal (employee) sick leave, employee is allowed paid time off to care for members in immediate family: children qualify, domestic partner does not qualify as an immediate family member. Assume 3 days taken off here for employee to take care of sick partner.	Compensation included in annual salary recorded above.				\$1,308.98

Benefit	Employee A	Employee B	Employee A Annual Compensation	Employee A Annual Expense	Employee B Annual Compensation	Employee B Annual Expense	Employee B Partner Additional Annual Expense
Funeral Leave	3 days off paid for death in immediate family. Four hours off for the death of a co-worker. Assume death of spouse's mother.	3 days off paid for death in immediate family; however, domestic partner is not considered an immediate family member. Four hours off for the death of a co-worker. Assume death of domestic partner's mother.	Compensation included in annual salary recorded above.				\$1,308.98
TOTALS			\$93,454.95	\$25,626.27	\$91,338.99	\$21,201.78	\$10,416.56
						Difference in Compensation and Expenses between Employees:	\$8,108.03
<p>^a Estimated values based on approximations of expenses incurred in given examples. Health insurance premiums and other services offered by the university have not been equated to external products and services for deductibles, maximum amounts, actual coverage, and other estimated expenses forseen to be needed by domestic partner.</p> <p>^b FICA amounts based on annual salary less pretax deductions.</p>							

Has The University of Texas at Austin lost faculty or staff by not offering Domestic Partner Benefits?

Yes.

The University has not only lost faculty and staff, but prospective hires have decided not to accept positions at UT Austin because of the university's failure to offer DPB. Such losses negatively impact the university's competitiveness with peer institutions and with private industry. Additionally, professionals who never come or who leave because of UT Austin's failure to provide such benefits send a message to the larger community that UT Austin practices employment discrimination.

It is universally recognized that DPB play a part in the recruitment and retention of faculty and staff. Southern Methodist University even foregrounds their partner benefits in their recruitment description in job advertisements: "SMU: Southern Methodist University is an inclusive and intellectually vibrant community of teachers and scholars that values diverse research and creative agendas. SMU offers excellent benefits including full same-sex domestic partner benefits." Due to a lack of DPB, UT Austin has failed to recruit new faculty and staff. In fact, the Department of Management in the McComb's School of Business lost a highly valued candidate March of 2008, during the writing of this report. (See Appendix C, where the candidate discusses the role of UT Austin's lack of DPB in his decision to join Duke University rather than UT Austin. Other cases of failed recruitment efforts are also discussed in this Appendix.)

UT Austin has also failed to retain quality faculty and staff. A well-known case of UT Austin's losing existing faculty due to its lack of DPB is that of Keith Walters, now a Professor of Applied Linguistics at Portland State University. Here is Professor Walters' story, in his own words:

"I resigned from my position as Professor of Linguistics at UT in 2006, having taught there since 1991. (I'd gotten my PhD at UT in 1987, and I was honored to have the opportunity to teach at my alma mater.) I left UT to take a tenured position at Portland State University because it was made unequivocally clear to me that the UT administration had no interest in finding a way to provide benefits for the partners of lesbian and gay staff and faculty.

Although I was offered a modest pay increase as an incentive to remain at UT by my Dean to cover the cost of purchasing such benefits for my partner, the amount offered was far from sufficient to provide benefits comparable to those he now receives through PSU, which, like all state schools in Oregon, provides 100% dependent coverage, including health care, dental, vision, and life insurance. Equally important, the pay increase offered would in no way have dealt with significant related issues: the increase could, over time, have been neutralized by my department's Executive Committee even as the cost of health care benefits continued to rise; there was no provision for continuing health care for my partner if, for any reason, I could no longer work; and my gay and lesbian colleagues would unfairly not have received any such salary increase to provide health care for their partners."

What other universities recognize Domestic Partner Benefits and what are their experiences?

The University of Texas at Austin is virtually alone among peer institutions in not offering DPB. Peer institutions affirm that offering such benefits costs very little but reaps considerable benefits in terms of employee satisfaction and competitiveness in recruitment and retention.

Table 2 lists peers institutions and their coverage of DPB. Only two peer institutions do not provide DPB. At one, the University of Wisconsin-Madison, campus leaders at Madison including Provost Patrick Farrell and Chancellor John Wiley argue publicly that “not being able to offer benefits puts UW-Madison at a competitive disadvantage with peer institutions.”⁸ The university has worked with legislators to sponsor legislation in both houses of state government as well as lobbying the state governor. At the other, the University of North Carolina, the university has made it a point to extend all *but* health benefits while continuing to work for the changes in state law that would make DPB available.

Table 2 also indicates the legal status in the state of each institution. Many states like Texas that have Defense of Marriage Acts (DOMA) written into their state constitutions are still providing DPB. For more information on how these institutions are achieving this, see the section “Are there universities in states with Defense of Marriage Act legislation that nonetheless offer Domestic Partner Benefits?” on page 23.

Nationwide, 304 universities and colleges, including all the Ivy League schools, currently offer DPB. In the State of Texas, Baylor College of Medicine, Rice University, Southwestern University, Southern Methodist University, and Trinity University currently provide DPB. Kyle Cavanaugh, who was the acting associate vice president of human resources when Rice University approved DPB in 2001, explained the decision this way: “The board based its approval on a number of factors. These included its support for Rice’s 1990 policy on nondiscrimination; the fact that the university’s nepotism policy already includes domestic partners; its belief in maintaining a close-knit campus community that cares about the welfare of all employees; and its commitment to recruiting and retaining highly qualified faculty and staff in a very competitive national, and even international, market.”

“As an employer, we offer benefits to our employees and their dependents in order to create a supportive and welcoming environment that allows us to recruit and retain the very best faculty and staff. Many employees have told us over the years that the availability of these benefits has been a significant factor in their decision to locate and to remain at the University.”

***President Mary Sue Coleman
The University of Michigan***

⁸ Lucas, J. (2008, January 30). *Efforts to secure domestic partner benefits continue.* (University of Wisconsin-Madison News). 2008 Board of Regents of the University of Wisconsin System. Retrieved March 19, 2008, from <http://www.news.wisc.edu/domesticPartnerBenefits/>.

Table 2. Domestic Partner coverage at peer institutions

Institution	Current law	Domestic Partner coverage
Indiana University, Bloomington	DOMA adopted as state law	Yes
Ohio State University, Main Campus	DOMA written into state constitution and state law	Yes
University of California, Berkeley	Current law: State law, passed by public referendum, bans same-sex marriage (In defiance of that law, San Francisco issued more than 3,200 marriage licenses to same-sex couples. The state high court is expected to rule on the validity of those marriages). The state extended certain state-level marriage benefits to those on a domestic partners' registry starting January 1, 2005.	Yes
University of California, Los Angeles		Yes
University of Illinois, Urbana/Champaign	DOMA adopted as state law	Yes
University of Michigan, Ann Arbor	DOMA written into state constitution as state law	Yes
University of Minnesota, Twin Cities	DOMA adopted as state law	Yes
University of North Carolina, Chapel Hill	DOMA adopted as state law	Offers "soft" benefits, but not DPB
University of Washington	DOMA adopted as state law	Yes
University of Wisconsin, Madison	DOMA adopted as state law	No

Are there universities in states with Defense of Marriage Act legislation that nonetheless offer Domestic Partner Benefits?

Yes.

Many large state universities manage to offer DPB to their employees despite existing state statutes that prohibit recognition of same-sex marriage. We include the policies of the University of Michigan, the University of Florida, and Ohio State University as representative examples (see Appendix D). These universities have all cited the need to maintain a competitive edge and attract high quality faculty, staff, and administrators as justification for offering these benefits. All three institutions have followed different paths to offer benefits to their employees, and these disparate approaches are instructive of what institutions of higher learning are able to achieve when there is leadership and will to accomplish an established goal. For more discussion of trends like these, see Appendix F, “Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage,” a publication of The American Association of State Colleges and Universities.

Public universities are hampered from offering DPB because their health plans are state funded and therefore regulated by state statutes, which enumerate whether or not domestic partners may be covered under state health insurance plans. Private universities do not face such restrictions and are able to more easily offer DPB through their privately funded health plans.

First, the University of Michigan began offering DPB in September of 1993, but these benefits were threatened by a 2004 constitutional amendment banning recognition of marriage for same-sex couples. The constitutionality of the amendment is currently winding its way through the Michigan court system. The language specifically at issue is the phrase “other similar union for any purpose.” This language has been interpreted by an appeals court to ban recognizing same-sex unions for any purpose, which would include offering DPB. The University of Michigan has responded by changing the language of its benefits plan to exclude reference to domestic partners. Instead it has created a new category defined as “Other Qualified Adults” which allows the university to offer benefits without violating the court order.

http://www.umich.edu/~benefits/forms/oqa_faqs.pdf

Second, the University of Florida was restricted from expanding its nondiscrimination policy or taking any action to provide DPB while it was directly governed by the state legislature. Florida responded to these restrictions by lobbying the legislature to change its rules in 2001. The legislature relinquished its direct control of the University of Florida system by creating an independent Board of Trustees that now has independent authority to create its own policies and regulations and govern itself. One of the first actions of the Board of Trustees was to expand the nondiscrimination policy and to offer DPB to its employees.

http://www.aa.ufl.edu/aa/facdev/support/sloan/documents/accelerator_plan.pdf

Third, Ohio State University is able to offer DPB to its employees in spite of Ohio's DOMA law because the legislature has specifically stated that it did not intend to prevent universities from providing DPB. The Ohio legislature left the question of whether or not to offer benefits to the discretion of each university's board of trustees and OSU has determined that offering DPB is vital to its ability to recruit and retain faculty, staff, and administration. <http://hr.osu.edu/hrpubs/ben/dompafaq.pdf>

Finally, the University of Arizona issued a report that recommends two creative workarounds to the public funding issue: 1. reimbursing eligible employees to pay for the cost of covering domestic partners under private insurance plans, or; 2. offering coverage under self-insured plans.

What other well-known employers offer Domestic Partner Benefits?

9,374 employers in the United States offer DPB. 80% of the most successful businesses—those in the Fortune 10 companies—provide DPB.⁹ Even in Texas government, three communities, including Austin and Travis County have benefits available for domestic partners.

“On average, roughly 20 percent of employees’ overall compensation is provided by their employers in the form of health insurance benefits, for themselves and/or their families. For employees with partners and/or children not eligible for those benefits, this disparity in compensation is profound. Domestic partner benefits are now, more than ever, the norm- the majority of Fortune 500 companies now provide them.”¹⁰

DPB are a low-cost, high-value employment benefit and are now the standard among employers committed to their GLBT employees. Many Fortune 500 companies headquartered in Texas offer DPB. These include:

- Affiliated Computer Services, Dallas
- AMR Corp. (American Airlines), Fort Worth
- AT&T Inc., San Antonio
- Blockbuster Inc., Dallas
- Clear Channel Communications, San Antonio
- ConocoPhillips, Houston
- Continental Airlines Inc., Houston
- Dean Foods Co., Dallas
- Dell Inc., Round Rock
- El Paso Corp, Houston
- Electronic Data Systems Corp., Plano
- Freescale Semiconductor Inc., Austin
- J.C. Penney Co. Inc., Plano

⁹ Human Rights Campaign. (2007, September 17). Working for gay, lesbian, bisexual, and transgender equal rights: News. *New Report Finds Unprecedented Growth in Employer Policies for Gay and Transgender Workers*. Retrieved March 19, 2008, from <http://www.hrc.org/7589.htm>.

¹⁰ Luther, S., & Herrschaft, D. (Ed.). (2008). Human Rights Campaign. *Corporate Equality Index 2008. A Report Card on Gay, Lesbian, Bisexual and Transgender Equality in Corporate America (p. 14)*. Retrieved March 19, 2008, from http://www.hrc.org/documents/HRC_Corporate_Equality_Index_2008.pdf.

- Kimberly-Clark Corp., Irving
- RadioShack Corp., Fort Worth
- Southwest Airlines Co., Dallas
- Tenet Healthcare, Dallas
- Texas Instruments Inc., Dallas
- Valero Energy Corp., San Antonio
- Waste Management Inc., Houston
- Whole Foods Market Inc., Austin

Moreover, there are many employers offering DPB that are, or have been, associated with UT Austin's 2008 Board of Regents. These include:

- American Red Cross
- Andrews & Kurth LLP
- Bank of America/NationsBank
- Baylor College of Medicine
- Carleton College
- City of Dallas
- Goldman, Sachs & Co.
- Harvard University
- March of Dimes
- National Equity Fund (Chicago)
- Piper Jaffray & Hopwood Inc.
- SafePlace (formerly Austin Rape Crisis Center)
- Southern Methodist University

Do any other universities or public employers in Texas offer DPB?

Yes.

The following Texas universities offer DPB:

- Baylor College of Medicine
- Southwestern University
- Trinity University
- Southern Methodist University
- Rice University ¹¹

Southern Methodist University highlights their DPB in their recruitment description: “Southern Methodist University is an inclusive and intellectually vibrant community of teachers and scholars that values diverse research and creative agendas. SMU offers excellent benefits including full same-sex domestic partner benefits.”

¹¹ Human Rights Campaign. (2008). Working for gay, lesbian, bisexual, and transgender equal rights: *Government Sector/Quick Search*. Retrieved March 19, 2008, from http://w3.hrc.org/Template.cfm?Section=Search_the_Database&Template=/CustomSource/WorkNet/srch_list.cfm.

What would be the approximate cost to The University of Texas at Austin for implementing Domestic Partner Benefits?

UT Austin Human Resource Services estimated costs for the university's contribution to health benefits for Domestic Partners for 2007-2008. The following calculations take into account the number of full-time employees, retirees and graduate students, part-time benefits eligible employees, the participation rates derived from existing research, and the university's budgeted and projected contributions to health insurance premiums for spouses and families.

The estimated cost of adding DPB would add approximately .6% (.0058) to the university's overall annual expenditure for health insurance. Clearly, cost is not a prohibitive factor when considering such benefits. The calculations are presented in Table 3. To put the figure for projected costs for DPB, including OASI, in perspective, the institution's total cost for contributions to employee health insurance premiums in 2007-2008 is budgeted at approximately \$101.9 million. Thus, the estimated cost of adding DPB would represent 0.6% (.0058) of the university's overall health insurance costs.

Table 3. Expenditure calculations

Number of eligible full-time employees, retirees, and graduate students	19,178
Estimated percent of employees who would claim DPB	.5%/1%
Estimated number of full-time employees in Domestic Partner relationships expected to participate in DPB	96/192
The difference in annual UT Austin contribution for "employee only" vs. "employee/spouse" medical insurance during 2007-2008	\$2,321.04
The difference in contribution for "family" medical insurance	\$3,819.84.
University Human Resource Services estimates that, of the projected 96/192 cases above, 66/131 would fall into the partner only category and 30/61 into the family category.	
Cost of partner only: (\$2,321.04 x 66/131)	\$153,189/\$304,051
Cost of family: (\$3,819.84 x 30/61)	\$114,595/\$233,010
Estimated annual cost for full-time DPB, based on 2007-2008 costs	\$267,784/\$537,061
Number of eligible part-time employees	772
Estimated percent of part-time employees who would claim DPB	.5%/1%

Estimated number of part-time employees in Domestic Partner relationships expected to participate in DPB	4/8
The difference in annual UT Austin contribution for part-time employee only vs. "employee/spouse" medical insurance during 2007 is \$1,160.52	
The difference in contribution for "family" medical insurance is \$1,909.92. University Human Resource Services estimates that, of the projected 4/8 cases above, 3/6 would fall into the partner only category and 1/2 into the family category.	
Cost of part-time partner only:(\$1,160.52 x 3/6)	\$3,482/\$6,963
Cost of part-time family: (\$1,909.92 x 2)	\$1,910/\$ 3,820
Estimated annual cost part-time for DPB, based on 2007-2008 costs	\$5,392/\$10,783
Total estimated medical contributions	\$273,176/\$547,844
Add university OASI contribution (7.65%)	\$20,898/\$ 41,910
Total estimated cost for 2007-2008	= \$294,074/\$589,754

It is important to note that Domestic Partners are not considered to be tax-qualified dependents under Internal Revenue Code Section 162; therefore, the value of benefits provided to a Domestic Partner is considered taxable income to an employee.¹² Even if Domestic Partners are extended benefits, they still will have this additional financial burden.

“According to a December 2007 report by the Center for American Progress and the Williams Institute, employees with partner health benefits now pay on average \$1,069 per year more in taxes than would a married employee with the same coverage....Additionally, employees cannot use pre-tax dollars to pay for a domestic partner's coverage, precluding them from the full benefits of a Flexible Spending Account, Health Reimbursement Account or Health Savings Account.”¹³

¹² Domestic Partner Benefit Proposal. (2000, November). Submitted to the University of Arizona-Administration by Outreach. *Tax Implications*. Retrieved March 19, 2008, from <http://out.web.arizona.edu/DPBproposalNov2000.doc>.

¹³ Human Rights Campaign. (2008). Working for gay, lesbian, bisexual, and transgender equal rights: Article. *Taxation of Domestic Partner Benefits*. Retrieved March 28, 2008, from <http://www.hrc.org/issues/workplace/benefits/4820.htm>.

What about other, non-medical benefits?

In addition to medical insurance, the other benefits available to legally married spouses at UT Austin are substantial. Table 4 lists benefits available and to whom. In order to be both fair and competitive, the university needs to offer these benefits to all employees.

Table 4. Comparison of other benefits coverage

	Legal Spouse	Domestic Partner
Accidental Death and Dismemberment	x	
Bereavement Leave	x	
COBRA Coverage	x	
Dental Insurance	x	
Employee Assistance Program	x	
Family Medical Leave	x	
Housing Directors, live-in	x	
Life Insurance	x	
Long Term Care	x	
Parental Leave	x	
Recreational Facilities	x	x
Sick Leave	x	
UTFLEX	x	
Vision Insurance	x	

What are the challenges to universities desiring to provide Domestic Partner Benefits?

In recent years, Texas has passed both a constitutional amendment defining marriage as “only...the union of one man and one woman” and a state Defense of Marriage Act with the same effect.¹⁴ This act reads, in part, that the state may not recognize any relationship in such a way as to acknowledge a “right or claim to any legal protection, benefit, or responsibility asserted as a result of a marriage between persons of the same sex or a civil union.”¹⁵

“Private industry read the writing on the wall long ago: to attract and keep a competitive workforce, you must treat all folks equally. What we need now is just the political will to help the government catch up.”

***Randall D. Terrell
Political Director
Equality Texas***

Nevertheless, in 2005, the same year that the Texas constitution was amended, Harris Interactive polled over 2,200 Americans and found that nearly seven out of 10 (69%) heterosexuals consider it extremely or very important that a company offer equal health insurance benefits for all employees, compared to 57 percent in 2002.

In many states, large state universities have found ways to provide DPB despite restrictive state laws such as these. In such cases, universities have lived up to their own highest ideals of leadership, integrity, and fairness. At the University of Michigan in 2007, Associate Vice President of Human Services Laurita Thomas immediately affirmed the university’s intention to continue to offer DPB after a potentially negative state Supreme Court’s decision threatened these benefits. “We are deeply disappointed by this ruling,” wrote Thomas. “It is our understanding that the ACLU plans to appeal. We will continue to support these efforts.” (For more information on the University of Michigan, see Appendix D.)

¹⁴TEX. FAM. CODE §2.001; TEX. FAM. CODE §6.204.

¹⁵ TEX. CONST. Art. I, § 32.

Is there a Board of Regents resolution against Domestic Partner Benefits at The University of Texas at Austin?

No.

The Board of Regents has the authority to offer DPB by following its statutory mandate to offer competitive compensation and benefits to attract and retain appropriate faculty. The relevant codes are listed below.

Education Code § 51.908 FACULTY COMPENSATION POLICIES specifically states that each institution of higher learning shall “to the greatest extent possible, provide....salary and benefits at least equal to the average of that provided by similar institutions nationwide having a similar role and mission.” Other relevant policies are:

Insurance Code § 1601.002. PURPOSES. (2) enable the systems to attract and retain competent and able employees by providing employees with basic life, accident, and health benefit coverages comparable to those commonly provided in private industry and to employees of a state agency other than a system, including a public college or university whose employees are covered under Chapter 1551;...

§ 1601.053. GENERAL DUTIES RELATING TO COVERAGE. (a) A system shall: (1) determine basic coverage standards that must be comparable to those commonly provided: (A) in private industry; and (B) to employees of another agency or an institution of higher education in this state under Chapter 1551; and
...

Combined, these three sections grant to UT Austin the authority and the mandate to offer competitive compensation packages. Currently, UT Austin is neither competitive with its peer institutions, nor with leading employers in private industry. It is therefore incumbent on UT to act within its authority to offer health insurance and benefits packages that are structured on some basis other than dependent eligibility. For more information, see Appendix E, Equality Texas White Paper.

Conclusion

The University of Texas at Austin is committed to living up to its promise to be “a university of the first class.” University and state leaders need to act on what our competition already recognizes: that offering DPB is a low-cost strategy for attracting and retaining faculty, staff, and administrators of the highest caliber. Equally important, such programs demonstrate the university’s commitment to social and economic justice, diversity, and inclusiveness.

Acknowledgments

The DPB Sub-Committee of PEFSA wishes to thank the many people who have been helpful to its work, especially those that provided or verified information in this report.

Pamela Buchanan
John R. Clarke
Dana Cloud
Elizabeth Crecente
Department of Diversity and Community Engagement
Equality Texas
UT Gender and Sexuality Center
LGBTQ/Sexualities Research Cluster
UT Human Resource Services
Indiana University Working Group on Domestic Partner Benefits
Kathleen McDonagh
Standish Meacham
PEFSA Executive Committee
Paul Scott
Nicolas Shumway
Chuck Smith
Randall Terrell
Keith Walters
Tanya Voss

The members of the PEFSA DPB Sub-Committee (Lynne Milburn (chair), Gail Goodman, Karen M. Landolt, Megan Little, Lisa L. Moore, Ana Ixchel Rosal, and Sarah Sloane) would also like to thank their partners.

APPENDIX A: University of Texas Nondiscrimination Policy

Part 4 Standards of Conduct

Section B. Nondiscrimination

Policy Number 4.B.1

Date Issued: December 1, 2001

Rev. June 3, 2003

Approved by VP for Employee and Campus Services

NONDISCRIMINATION POLICY

Section I. General Policy Guidelines

A. Policy Statement

It is the policy of The University of Texas at Austin to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, age, disability, citizenship, and veteran status. Pursuant to University policy, this policy also prohibits discrimination on the basis of sexual orientation. Discrimination on the basis of gender, including sexual harassment, is addressed by HOP Policy 4.B.2.

APPENDIX B: Testimonies from employees not receiving benefits

The following are personal testimonies from UT Austin employees affected by being denied DPB. These testimonies were collected by the PEFSA DPB Subcommittee during Fall of 2007 and Spring of 2008.

William Powers
President
University of Texas at Austin

October 21, 2007

Dear Bill,

As you know, I taught at the University of Texas at Austin for thirty-one years which is roughly the equivalent of half my life. For the past twelve years, I have been in a committed domestic partnership, that is, over one-third of the time I devoted to the university. Yet, were my partner to experience a serious medical emergency, we would have to bear the financial burden of his medical care ourselves. UT, my former employer, the school where I taught half my life, would deny me the same beneficial coverage it extends to my married colleagues.

At the most basic level, I consider this inequality a contradiction unbecoming a university of the first class. It is by every standard measure of fairness, an injustice that must be rectified.

Were a parent, colleague or prospective student to ask my opinion of the university, my conscience would require me to inform them of my dilemma and draw attention to the fact that, be it deliberately or by omission, UT practices discrimination against a segment of its population. In my opinion, that is an unacceptable situation in an institution of higher education, and one that we have a moral responsibility to rectify.

I look to you for leadership on this very personal, personnel matter.

Standish Meacham
Sheffield Centennial Professor, Emeritus
Member of the History Department, 1967-1998
Chairman, 1969-1972, 1984-1988
Dean, College of Liberal Arts, 1989-1991
The University of Texas at Austin

I write in response to your request for personal items regarding same-sex spouse benefits. Two items:

Item 1: I have been at UT for 14 years. They have been rewarding years, and for the most part I've found UT to be a generous and supportive environment. I say “for the most part” since UT’s failure to create a mechanism for letting same-sex spouses participate in university health plans is a major and growing irritant, to such a degree that it is the only issue that would make me consider a position at another university. It would not be easy for me to leave UT because I really like it here, and much of my professional life, both as a scholar and as an administrator, has been invested in this institution. The question of same-sex spouse benefits could, however, push me to seek a position elsewhere. This is increasingly an issue in my life as I near retirement age. Robert, my partner of twenty years, is seventeen years younger than I. When I retire, I would like him to be free to travel with me. Under current circumstances, however, he will have to continue working merely to maintain decent and affordable medical benefits. When I compare our situation with that of officially married couples, I am overwhelmed by the manifest injustice of UT’s failure to meet the needs of loyal gay faculty and staff. Indeed, the university’s alleged commitment to diversity is “as sounding brass and tinkling cymbal” as long as “diversity” does not address the needs of gay people in a substantive way. “Substantive” for me would begin with access for same-sex spouses to UT group medical benefits.

Item 2: Three years ago, we had a faculty opening in Spanish and Portuguese. I contacted a young woman who was particularly qualified for the position. Her first question was, “Does UT have same-sex spouse benefits?” I told her the truth, and she lost all interest in applying for the position. We did make a hire—someone manifestly less promising than she. In sum, we failed to make the best hire because UT does not offer same-sex spouse benefits. I’m certain that versions of this story get played out across campus every year. Indeed, without a meaningful change on same-sex spouse benefits, UT will always be at a hiring disadvantage in comparison with the best universities in the country, both public and private.

A final note: the major issue for me is access to medical benefits. Some universities have embraced an “employee-plus-one” system in which university employees can sponsor another adult for membership in university group health plans. The exact nature of the relationship is not spelled out, meaning that the other person can be an adult child, an unmarried heterosexual partner, or a gay spouse. Until Texas state laws change, I would be happy with such an arrangement at UT.

Sincerely,

Nicolas Shumway, Interim Chair
 Department of Spanish and Portuguese
 Tomás Rivera Regents Professor of Spanish Language and Literature
 The University of Texas at Austin

Domestic partner benefits have been on my mind with particular intensity during the past year. When I received a generous offer from Case Western Reserve that included a substantial salary increase and full domestic partner benefits for Michael Larvey, my partner of 29 years, I was sorely tempted to leave UT. But it was Michael who insisted that I shouldn't disrupt my academic life for his sake. As a self-employed designer, he was paying about \$400 per month for health insurance that offered no physician, no prescription plan, and an 80-20 payout after meeting a \$5,000 deductible. In fact, when the insurance company raised the premium in October of last year, he decided to go to a 50-50 plan to save \$100 per month. In December he fell very ill with atrial fibrillation. He went into congestive heart failure and into the hospital twice: first for a procedure called cardioversion (shocking the atria to try to return the heart to a regular heartbeat) then radio-wave ablation (burning the misfiring sections of heart with radio waves). The second operation (the procedure alone costing \$70,000) helped enormously and put him on the mend, but we faced huge medical bills.

Two lessons to this bitter tale: 1) If Michael had been paying for UT-Select, he would have had a primary care physician who could have detected the problem before it got so grave; 2) the salary increase I got in my counteroffer from UT didn't help much when it came to Michael's medical bills; they devastated our finances. I agree with you that UT's refusal to provide domestic partner benefits is grossly unfair. I also realize that UT is at a distinct disadvantage in recruiting and retaining faculty.

Thanks for speaking up on this issue.

John R. Clarke
Annie Laurie Howard Regents Professor
Department of Art & Art History
The University of Texas at Austin

I joined the University of Texas English Department in 1991. When I interviewed at UT, I was assured by well-meaning administrators that domestic partner benefits, though not yet available, were important and that it would just be a matter of time before they could be offered. Given my brief, exhilarating experience with organizing around this issue in graduate school, at Cornell, where we had won such benefits in less than a year, I too assumed I would get those benefits sooner or later. It's later.

It's sixteen years later, and I have had a self-employed partner for the past eleven years. My partner Madge works part-time and is the primary caregiver for our two children. We pay \$135 a month for a policy with a \$10,000 deductible. It's basically a hope-we-don't-lose-the-house policy. Needless to say, she doesn't go to the doctor much.

Since 1991 I've been involved in no less than four efforts at UT to achieve domestic partner benefits. As Madge and I have gotten older and our two children have come along, her lack of access to health care has come to seem less like a civil rights issue and

more like a matter of survival. For all these years, I have been dealing with the emotional and practical barriers of discrimination, what another UT colleague calls the “gay tax.” I’ve been on leave this past fall; leaves are precious at a university that consistently underfunds research, and I worked feverishly to get a book manuscript done before I went back to teaching in January. So it’s against that backdrop of scarce institutional resources that I found myself in charge of drafting a 30-page report on human resources policy—an area I wish I had the luxury of having no interest in. So the report became another writing project competing for my precious time last semester. Every time I sat down to work on it, all I could think about was what a waste of the university’s resources it was to have me googling personnel policies and looking up what Fortune 500 companies have domestic partner benefits. It’s not exactly my area of expertise. Having to contemplate this issue at all reminds me of the degree of denial I have to live in just in order to show up for my job every day. If I let myself think about and feel the homophobia of my very nice, very ordinary academic workplace I couldn’t do this job. I think the psychic burden of that denial is another form of the “gay tax.” But more than fifteen years of workplace inequity can do that to a person.

Lisa L. Moore
Associate Professor
Department of English, College of Liberal Arts
The University of Texas at Austin

I can't provide health benefits to my self-employed partner of 19 years. The only time the university has recognized us as a family was when they included her income in calculating our child care costs. I get paid less than my legally married co-workers because every month our family spends hundreds of dollars on her limited health insurance that might have otherwise gone into our sons' college funds. I keep track of the other universities and businesses that support all their faculty and staff and I assure you that our students, alumni, donors, potential and current faculty and staff do, too. This will be increasingly true in years to come.

Professor Tanya Voss
Field Program Director and Clinical Assistant Professor
School of Social Work
The University of Texas at Austin

I don’t have much of a story. The long and short of it is that my partner Katie and I have been together for 8 years. We had a “wedding” ceremony last August. She is a Ph.D. student who has exhausted her eligibility for U.T. employment and who has a vested interest in staying at U.T. since I am here. But she is trying to get third-shift work at UPS while writing her dissertation so that she can get health insurance. This will be a real hardship in terms of time for her work and for family togetherness. Last year we spent about \$2,000 we didn’t really have to spare on necessary dental work because she did not

have insurance. Recently she has fallen into a depression. She cannot afford to go to the doctor or the psychiatrist or to pay for prescription medication. I almost have been reduced to sharing my pharmaceuticals with her! Fortunately, she seems to be pulling out of it on her own. But when she is finished with her dissertation, we have every reason to move if she does not gain an academic job locally and if we do not win domestic partner benefits at U.T. She wants to have a baby in 2009—clearly not possible without insurance. This is not a tragic story but an everyday example of how faculty and staff face routine disadvantage on the basis of sexual orientation. U.T. makes it very difficult for glbtq families to make a go of it here. It's really basic.

Dana Cloud
Associate Professor
Department of Communications Studies
The University of Texas at Austin

I am an attorney, but I no longer practice law. It is tremendously important to me that I find meaning in the work that I do, and I stopped practicing law because I found no meaning in protecting my client's intellectual property rights.

My pursuit of a vocation instead of an occupation lead me to The University of Texas at Austin where I now serve as the Career Development Manager with MBA Career Services. I love my work. I love the university environment and its mission of educating students. Every day I have the distinct privilege of helping MBA students find meaningful work. And every day, I worry that I will have to quit this job and return to the practice of law because my partner of 12 years has a chronic and potentially debilitating illness.

Currently my partner is stable in her condition and is able to maintain a full-time job, through which she earns health insurance. But her condition could change at any time, and if and when it does, I will have to leave a job that I love in order to secure domestic partnership benefits. It is wrong that I should have to sacrifice my vocation when my married co-workers face no such dilemma. It is simply a matter of equity and fairness - I am not offered equal pay and benefits for equal work and I am unduly burdened with concerns that my heterosexual co-workers are spared.

"What Starts Here Changes The World." This is the motto of The University of Texas at Austin that is prominently displayed on UT's website and throughout the university. This is a bold statement that all UT faculty, staff, and students are encouraged to embody. Yet UT is not currently living up to its own standards and aspirations - the time to act is now.

Karen M. Landolt, J.D.
MBA Career Development Manager
MBA Career Services
The University of Texas at Austin

Carol Fenske fought cancer for the last six years of her life. Although UT offered that there was no discrimination based on sexual orientation, on numerous levels there was no true support to be found. If Carol had been in need of my UT insurance plan, she would have died within two years. The only hope of future support came in a handwritten letter from then UT President Berdahl. I had responded to a newspaper article that told of his wife's journey with breast cancer. I believe that he truly saw the parallels of desperation when your loved one is dying. He was also leaving for UC Berkeley. Carol died, July 5th, 1997, 4:20am. No departmental flowers. No email from colleagues to acknowledge my loss. I still frequently wake up at 4:20am. I still serve The University of Texas.

Pamela Buchanan
Carol's partner of ten years
UT employee 18 years
Department of Kinesiology and Health
University of Texas at Austin
Autism Project, Director of Programs

Dear President Powers,

When it comes to higher education, The University of Texas has always been my only love. As a child, my first stuffed animal was a giant orange and white Longhorn. My parents and siblings all attended UT, my father recruited accounting students here for years and we only missed a football game if road conditions made it impossible to get to Austin from Houston.

I love this university and I always will. That love and loyalty drew me back to work here in career services. Sadly, I do not feel the pride about UT that I once did. As a staff member and a lesbian I am aware that I am treated differently by the university because of who I am.

My partner of 13 years (also a UT staff member) will be having surgery in a few weeks. Because UT does not recognize our relationship and extend benefits to us as a couple, I will not be able to use my sick leave to take care of her while she is immobile. If she has difficulty in surgery and requires more care, I cannot provide that care unless I have enough vacation time to cover it. It is sobering to realize that if she were to die I would receive only enough time off to attend her funeral.

If UT is to remain the great place of learning that I have known it to be, we need to consistently treat all of our faculty and staff well. This includes granting all employees the same benefits regardless of their sexual orientation or gender identity.

I look forward to the day when I can feel not only love and loyalty for this university but a renewed sense of pride. That pride will take root when UT takes the step to change its policies and establish equal benefits to all UT employees.

Sincerely,

Gail K. Goodman, Associate Director
Liberal Arts Career Services
BBA Management (UT 1981)
BA Psychology (UT 1983)
The University of Texas at Austin

As a Director with hiring responsibilities, I am confident that I can convince a gay or lesbian candidate that the Career Exploration Center is an excellent work environment. However, when it comes to persuading this same recruit to join our larger organization, The University of Texas, it is a much more difficult sell. UT does not offer domestic partnership benefits (DPB).

This lack of DPB sends a clear message that UT does not equally value its lesbian and gay employees. If this person were to accept a position at UT and required benefits for their partner, they would not receive those benefits. However, a married person whose partner also required benefits would receive an approximately \$4,000 more in compensation. This inequity impacts my ability to recruit the best-qualified candidates. We simply cannot compete.

On a personal level, when I retire someday, I would like to look forward to and then enjoy the security that is afforded to most UT employees. However, unlike my married colleagues, my life partner is not eligible to receive health insurance coverage. Without her having the same comprehensive insurance that I have, our financial well being after retirement is in jeopardy. One significant health crisis could result in financial devastation. Like my married colleagues, I want my retirement to be financially secure and my family protected.

I look forward to the day, in the near future, where UT takes its rightful place alongside institutions of higher learning that understand the richness that all diversity brings to a college campus.

Lynne Milburn
Director, UT Career Exploration Center
The University of Texas at Austin

APPENDIX C: Faculty and staff accounts of recruitment and retention failures caused by a lack of Domestic Partner Benefits

October 16, 2007

You'd asked if I could send along some information about the circumstances of my departure from UT. Here is that information.

I resigned from my position as Professor of Linguistics at UT in 2006, having taught there since 1991. (I'd gotten my PhD at UT in 1987, and I was honored to have the opportunity to teach at my alma mater.) I left UT to take a tenured position at Portland State University because it was made unequivocally clear to me that the UT administration had no interest in finding a way to provide benefits for the partners of lesbian and gay staff and faculty.

Although I was offered a modest pay increase as an incentive to remain at UT by my Dean to cover the cost of purchasing such benefits for my partner, the amount offered was far from sufficient to provide benefits comparable to those he now receives through PSU, which, like all state schools in Oregon, provides 100% dependent coverage, including health care, dental, vision, and life insurance. Equally important, the pay increase offered would in no way have dealt with significant related issues: the increase could, over time, have been neutralized my department's Executive Committee even as the cost of health care benefits continued to rise; there was no provision for continuing health care for my partner if, for any reason, I could no longer work; and my gay and lesbian colleagues would unfairly not have received any such salary increase to provide health care for their partners.

The seriousness of these issues had become quite clear to me several years earlier when a colleague's wife, who was self employed, was diagnosed with cancer. However, she had very good benefits, which she had obtained through her husband. Thankfully, she recovered fully but was not able to work as she had, creating a strain on the family's finances. A close mutual friend once chided me for not appearing especially sympathetic to my colleague's situation. I disagreed with his assessment. I reminded the friend that during a decade of volunteer work at Austin's AIDS hospice I had learned to be present with life-threatening disease without being overwhelmed by it; in other words, I was far more likely than many people to be able to talk fairly calmly about such situations. I also pointed out that if my partner, who is self employed, had been diagnosed with cancer, there was a very good likelihood that we would not be able to count on his insurance for help because the premiums would have increased so as to make them unaffordable or the insurance would have been cancelled. In that moment, the friend, a heterosexual, understood the situation of gay and lesbian staff and faculty in a way he never had.

During my time at UT as a faculty member, I worked with several committees of concerned faculty and staff members who sought ways to have the institution provide partner benefits. Our repeated efforts to engage the administration were met, at best, by inaction. I thus decided that it was time to devote whatever skills, abilities, and talents I

might have to an institution that was not ashamed to have lesbian and gay faculty and that provided for our partners even as it provided for the spouses of our heterosexual colleagues, thus treating all of us fairly and equitably by providing equal pay and benefits for equal work.

My penultimate act as a faculty member at UT was to donate my accumulated sick leave, over a year's time, to the Sick Leave Pool. Blessed with good health, I had never needed to use even a day of sick leave, and I was happy to be able to donate my accumulated leave to those in need. At the same time, I was deeply saddened knowing that the gay and lesbian colleagues I was leaving behind would not be able to apply for this sick leave for their partners or to help take care of their partners. How ironic that even acts of charity by a gay faculty member at UT cannot help but perpetuate the fundamental unfairness of the system for apportioning benefits there.

I can only hope that my former lesbian and gay colleagues at UT will soon be granted the possibility of benefits for their life partners. May that day come quickly. It cannot come too soon.

Sincerely yours,

Keith Walters
Professor of Applied Linguistics
Portland State University

To: Pamela Haunschild
Sent: Mon Mar 10 20:43:34 2008
Subject: Decision update

Pam,

I didn't hear back from you but didn't want to leave it up to the informal networks to update you on my decision process. I think a phone call is better, so my apologies for the informality of the email. In short, I've decided to accept the Duke offer.

However, I truly appreciate both the opportunity to present to your group, and even more importantly, your offer of a junior faculty position. My committee was very positive about your department and, of course, my experiences were consistent with their opinions. It was a tough choice. Myron and I went back and forth quite a bit on this and was the reason for our visit.

The offer was very competitive. However, there were a couple of other key issues. The first concerns the university's lack of domestic partner benefit coverage. We were disappointed that the university does not recognize same-sex partnerships and frankly,

since my partner is a civil rights attorney—it's a big issue for us. The second issue was a recent and very attractive job offer opportunity he received in Washington D.C. Durham is still an hour by plane, but manageable. He did not have this job offer before and while nothing is definite, we have to incorporate the probability of his getting the position, which is high. And we didn't want to hold up your recruiting efforts any longer.

You have personally been a big help through this process and my experience with UT Austin was exemplary. Obviously, it's a great department. I also want to let you know that Jeff, Jenn and Paul provided us with a great deal of information and helped us with many of our questions. Paul, in particular, was very helpful in showing us around and linking us with an absolutely terrific realtor. At the end of the day, it was a really close call. We just decided that for both professional and personal opportunities right now, we'd go to Durham. Again, thank you for all your assistance and support. I was very pleased to have received the opportunity to join your department and I look forward to seeing you in the future.

Cheers,

John

John Joseph
 Management and Organizations
 Kellogg School of Management
 Northwestern University

As a member of the executive committee of the Department of Anthropology I participated in a faculty recruitment in which we lost our top candidate because we were unable to offer domestic partner benefits. The candidate accepted a position at a university which did offer such benefits. As director of the Center for African and African American Studies the issue of partner benefits has affected a number of our faculty hires. We recently lost another top candidate for a faculty position for this reason. The lack of such benefits also has been a sore point for candidates who decided to join us despite the fact that we are unable to offer such benefits. In one of those cases, after a costly hospitalization of an uninsured partner, one of these colleagues is currently "on the market" and on the "short list" at a university that does offer such benefits.

Dr. Edmund T. Gordon
 Director, Center for African and African American Studies
 Division of Diversity and Community Engagement
 The University of Texas at Austin

April 10, 2008

Dear Pride and Equity Faculty and Staff Association (PEFSA),

I am writing in response to PEFSA's request to explain how UT's lack of a domestic partner benefits policy influenced my decision to withdraw my candidacy for a tenure-track position at the University of Texas (jointly supported by the Department of Sociology and the Center for African and African American Studies). The university's lack of a domestic partner policy deeply influenced my ability to seriously consider an offer from UT and I am happy to provide this letter in support of PEFSA's efforts to encourage the UT system to provide domestic partner benefits.

Last year, I was quite pleased to receive an invitation for an on-campus interview at UT. As you are well aware, UT's Department of Sociology is one of the finest in the country. It was clear during my visit why UT-Austin is considered a "dream job" for many junior faculty candidates. My job talk was very well attended and I found the question and answer session to be lively and engaging. I also received a very warm welcome from faculty members and graduate students in sociology and CAAAS-affiliated faculty members during group and individual meetings. I was also deeply impressed with the level of research resources that exist at UT-Austin.

During my visit, I spoke freely about my partner (as freely as someone else might talk about their wife or husband). Heather holds an English Ph.D. from Rutgers University and was completing a visiting faculty appointment at UCSB. She planned to pursue a career outside of the academy after her appointment ended in July. We both knew that the lower cost of living in Austin compared to Santa Barbara would facilitate her career transition. During one of my conversations with faculty, however, I learned that UT did not provide partner benefits. While I am familiar with the complicated politics of Texas, I was shocked that a world-class university like UT-Austin, which is home to one of the top sociology departments in the nation, did not provide these benefits. The best institutions and companies in the country have realized that domestic partner benefits are critical to recruiting and retaining top-notch employees. Personally, I was also deeply saddened for what the lack of this key benefit would mean for my ability to seriously consider an offer from UT-Austin. I knew I needed to provide healthcare benefits for my partner through my employer in 2007. This would be impossible at UT-Austin. In reflecting on the lack of benefits, I also became quite concerned about what the lack of such benefits suggested about the culture of the campus. Perhaps there was a more hostile culture toward LGBTs than what I encountered during my short visit to Austin? Ultimately, the lack of domestic partner benefits at UT made it impossible for me to seriously consider an offer from UT-Austin and strongly influenced my decision to withdraw my candidacy.

Increasingly, students who complete their undergraduate and graduate degrees at UT will enter institutional and corporate settings that provide domestic partner benefits and encourage a climate of diversity, not exclusion. In this way, UT lags behind the best institutions and organizations in the country in not providing domestic partner benefits. Most Fortune 500 companies provide domestic partner benefits and over 300 universities

and colleges provide such benefits, including five universities in Texas: Rice, Baylor College of Medicine, Trinity University, Southern Methodist University and Southwestern University. Top-tier public universities, including universities that compete directly with UT-Austin for the top faculty members and graduate students across the nation are also included on this list. Not having such benefits sends a signal to potential faculty members about the level of inclusion for diversity on campus. I strongly encourage the university to adopt such benefits in the near future.

Sincerely,

Nikki Jones
Assistant Professor
Department of Sociology
University of California, Santa Barbara

Dear DPB Sub-Committee,

As a member of the Residence Life staff team within the Division of Housing and Food Service, I wish to present my concerns about our ability to recruit and retain Hall Coordinators based on our current apartment policy. All Hall Coordinators are provided with an apartment within the residence halls. However, if the staff member is in a relationship and is not legally married, their partner cannot live in the apartment with the staff member. As Residence Life professionals, we work hard to ensure that our residence hall communities are as inclusive as possible. We diligently confront situations where residents are marginalized or denigrated due to difference. Conversely, we are unable to provide the same level of support for our professional staff members.

Our department recruits nationally to seek the brightest and most proficient Residence Life leaders, but three to six candidates decline interviews or positions with our department each year due to our current apartment policy. Just last week we were contacted by a candidate who stated the following:

“As part of my job search I am looking for an institution that provides me the opportunity to live with my partner. I have consulted the 2007 Live On Report, and UT Austin's policies are not congruent with my needs.”

Due to our apartment policy and the lack of benefits available for partners, we are losing high-quality candidates who can bring their skills and talents to our department and benefit our residence hall population. We are at a loss when we have to explain why we have such a policy at the flagship institution for the state of Texas. We would like to remain competitive with other schools of our stature but are unable to do so with such antiquated guidelines. Additionally, our lack of benefits sends a message to potential staff members that our department and our university are close-mined and resistant to change.

We would greatly appreciate the opportunity to be on more equal footing with other institutions so that we can have an even more diverse staff and provide the support that our students need and deserve.

LaTonya "LT" Robinson
Area Coordinator - Waller Creek Residence Halls
Diversity Committee Advisor
Safe Space Advisor
The University of Texas at Austin

APPENDIX D: Example policies from similarly situated institutions

This appendix lists policy information from three institutions that are comparable to The University of Texas at Austin, in that they have a Defense of Marriage Act or other legal statute that could be interpreted as an impediment to establishing domestic partner benefits. Realizing how vital these benefits are to their competitiveness, these institutions have established policies that enable them to provide domestic partner benefits and still act in accordance with their state laws.

Note: Click on underlined text to go directly to the institution's website and learn more information about its policies. These links provide sample tutorials, forms, and in-depth descriptions of policies.

University of Michigan

Court Ruling on Employee Benefits

A message from Laurita Thomas, Associate Vice President for Human Resources

February 2, 2007

Colleagues,

In 2004 the voters in Michigan approved a constitutional amendment defining marriage as "a union between one man and one woman." A lawsuit was brought against the state by the ACLU and others to clarify whether the amendment prohibits public institutions from offering health benefits to the same-sex domestic partners of employees. In 2005, the Ingham Circuit Court ruled that the amendment did not prohibit such benefits.

However, today the Michigan Court of Appeals has ruled that the marriage amendment "prohibits public employers from recognizing same-sex unions for any purpose," including the provision of employee health benefits. We are deeply disappointed by this ruling. It is our understanding that the ACLU plans to appeal this decision to the Michigan Supreme Court and seek an immediate stay while the case is appealed. We will continue to support these efforts. In addition, the law allows us to honor our commitments to provide agreed-upon benefits through the end of the calendar year, or through the end of the current contract for bargained-for employee groups.

As an employer, we offer benefits to our employees and their dependents in order to recruit and retain the very best faculty and staff. Our benefits program allows us to be competitive with peer institutions, including private universities, across the country. It also clearly demonstrates our commitment to an inclusive and welcoming environment for all members of our community. We will continue to promote access to health benefits for our employees and their families. If you have questions about your U-M benefits, please contact the HR Service Center at (734) 615-2000.

Laurita Thomas



Associate Vice President for Human Resources

University of Michigan Benefits Eligibility

Your eligibility for benefits at the University of Michigan is based on your benefits group or job/career family, your appointment percentage, and the duration of your appointment.

You may also be eligible for benefits as a graduate student or medical school student, or as a U-M retiree.

If you are a new hire or are newly eligible for benefits, your specific benefits options will be shown on eBenefits after you complete an I-9 (available at New Employee Orientation or from your department) and your personnel record is created online by Human Resource Records and Information Services (HRRIS).

Benefits Eligibility for You and Your Dependents

Click on a link below to see the benefits for which you and your dependents are eligible.

Your Eligibility

- [Faculty, Staff, LEO Lecturers III/IV, AFSCME, POAM, MNA, IUOE, Trades](#)
- [Supplemental, LEO Lecturers I/II](#)
- [GSI, GSSA](#)
- [GSRA](#)
- [HOA](#)
- [Research Fellows](#)
- [Professional Specialists](#)
- [Benefit-Eligible Fellowship Holders](#)
- [Medical School Students](#)

Your Dependents' Eligibility

- [Spouse](#)
- [Other Qualified Adult](#)
- [Never Married Children by Birth, Adoption, or Legal Guardianship, Birth to Age 25](#)
- [Never Married Children of your Spouse or OQA, Birth to Age 25](#)
- [Never Married Principally Supported Children, to Age 19](#)

- Never Married Disabled Children, Age 19 or Older

Please note: U-M benefits for same-sex domestic partners (SSDP) will conclude at the end of 2007 to comply with the current Michigan Court of Appeals ruling on same-sex partner benefits. Accordingly, references to U-M recognized Same-Sex Domestic Partnerships in all University policies and documents (other than existing collective bargaining agreements) have been rendered invalid at this time.

NEW Benefits Eligibility for "Other Qualified Adult"

An "Other Qualified Adult" (OQA) is an individual who can be covered on the benefits plans of a U-M employee beginning on January 1, 2008 if a specific set of eligibility criteria are met. For more information, see:

Other Qualified Adult Eligibility Criteria (PDF)

Questions and Answers: Benefits Eligibility Criteria for "Other Qualified Adult" (PDF)

OQA Resource Guide (Contains information on eligibility, enrollment and tax implications) (PDF)

If You Return to U-M

If your coverage has lapsed and you are re-appointed by the University, you must re-apply for benefits. Call the HR/Payroll Service Center for more information.

Every effort has been made to ensure the accuracy of the benefits information in this site. However, if any provision on the benefits plans is unclear or ambiguous, the Benefits Office reserves the right to interpret the plan and resolve the problem. If any inconsistency exists between this site and the written plans or contracts, the actual provisions of each benefit plan will govern. The University in its sole discretion may modify, amend, or terminate the benefits provided with respect to any individual receiving benefits, including active employees, retirees, and their spouses, partners, and dependents.

Questions & Answers Benefits Eligibility Criteria for "Other Qualified Adult"

What is an Other Qualified Adult, or OQA?

An Other Qualified Adult is an individual who can be covered on the benefits plans of a UM employee beginning on January 1, 2008 if a specific set of eligibility criteria are met. The criteria consist of seven elements that can be viewed here:

http://www.umich.edu/~benefits/forms/oqa_eligibility_criteria.pdf

Are benefits for same sex domestic partners being discontinued?

Yes. Due to the Michigan Court of Appeals interpretation of the Marriage Amendment to the

Michigan Constitution, the University of Michigan is prohibited from providing benefits based on a domestic partner relationship. The court ruling allowed us to continue these benefits until the expiration of our current plan contracts on Dec. 31, 2007, after which the University of Michigan will no longer provide benefits on the basis of domestic partnerships.

Can newly hired employees enroll an OQA?

Yes. Benefits eligible current employees and employees hired in the future can enroll an OQA in UM benefit plans if all of the OQA eligibility criteria are met.

Can a relative be covered as an OQA?

No. Relatives are not eligible. Please refer to the set of eligibility criteria here:

http://www.umich.edu/~benefits/forms/oqa_eligibility_criteria.pdf

Are there tax implications?

Yes. Federal tax law requires taxation of the University contribution toward premiums that is attributable to the OQA's and the OQA's children. This is known as imputed income. The tax on the imputed income is deducted from the faculty or staff member's monthly or first and second biweekly paychecks of the month.

University of Florida

Domestic Partner

[Tutorial on Domestic Partner Health Insurance](#)

Eligibility for the Plan

All benefits-eligible faculty and staff are eligible for domestic partner health insurance. It is available to both same- and opposite-sex partners as well as children of the employee and partner as long as the required criteria outlined on the affidavit is satisfied.

Plan Design

The plan is sponsored through AvMed and is an HMO plan design. Coverage, however, is available outside the local AvMed network, but plan benefits are less generous for services provided outside of the local network.

Details regarding plan provision and the benefits covered under the plan are outlined in the following links.

- [Benefit Summary](#)
- [Network Summary](#)
- [Prescription Summary](#)
- [Mental Health Summary](#)
- [Substance Abuse Summary](#)

Monthly Premiums and Tax Implications

The 2006 employee and employer premiums for domestic partner health insurance are listed below. An employee and partner are considered to be “family” coverage for purposes of premiums due.

Employee \$180.00

Employer \$890.36

The employee portion of the premium for domestic partner health insurance is eligible for a pre-tax deduction under IRS guidelines. However, premiums for the domestic partner are not eligible for pre-tax deduction. Employees who elect domestic partner coverage will have \$50.00 withheld each month on a pre-tax basis and the remaining family premium, \$130.00 (\$180.00 minus \$50.00), withheld on an after-tax basis. **Actual paycheck deductions will be on a biweekly basis.**

In addition, the IRS requires that the value of the employer portion of the benefit paid on behalf of the domestic partner be considered taxable wages to the employee. On a monthly basis, the university will pay total premiums of \$890.36. The portion of this premium paid on behalf of the domestic partner is \$466.75. This amount will be considered taxable income to the employee.

- [Enrollment Form](#)

Ohio State University

Benefits for Same-Sex Domestic Partners

The **same-sex** domestic partners of university faculty and staff members may be eligible for:

Health plan benefits

Eligible faculty and staff may elect medical, dental and vision coverage for their same-sex domestic partner and their same-sex domestic partner's eligible dependent children if

they meet all of the eligibility requirements specified in the university's **Affidavit of Same-Sex Domestic Partnership**. The **Affidavit of Same-Sex Domestic Partnership** and the **Health Plan Election Form** are required for enrollment. See the **Definition of Eligible Dependents** for more information on eligibility.

Dependent Group Life Insurance (DGLI)

Eligible faculty and staff may purchase **DGLI** coverage for their same-sex domestic partner and their same-sex domestic partner's eligible dependent children if they meet all of the eligibility requirements specified in the university's **Affidavit of Same-Sex Domestic Partnership**. The **Affidavit of Same-Sex Domestic Partnership** and the **DGLI Enrollment Card and Affidavit** are required. See the **Definition of Eligible Dependents** for more information on eligibility.

Dependent Tuition Assistance

Tuition assistance benefits are available to eligible faculty and staff member's same-sex domestic partners and the dependent children of their same-sex domestic partners. See the **Tuition Assistance page** for more information. The full tuition assistance benefit for same-sex domestic partners and dependent children of same-sex domestic partners will be subject to taxation.

Child Care Center Access

Children of a faculty or staff member's same-sex domestic partner are eligible for enrollment at the university's Child Care Center - an **Affidavit of Domestic Partnership** is required.

Financial planning series

Specific sessions of the **Financial Planning Series** have been created to address same-sex domestic partnership financial issues.

Employee discount programs

Events coordinated through the Office of Human Resources, **Special Events**, apply to same-sex domestic partners of Ohio State faculty and staff.

Family and Medical Leave (FML) and sick leave

Staff and faculty who are eligible for FML and sick leave may apply it for situations affecting their same-sex domestic partner and dependents - refer to **Policy 6.05, Family and Medical Leave** - requires **Affidavit of Domestic Partnership**.

University Faculty and Staff Assistance Program (UFSAP)

This confidential, **free counseling service** is available to same-sex domestic partners of faculty and staff as well as dependents.

Who can I contact for more information about these benefits?

Office of Human Resources **Customer Service Center** (enrollment and eligibility verification, plan booklets)

Publications and Forms

Find related publications on the "**Publications**" page and related forms on the "**Forms**" Web page.

- **Frequently Asked Questions**
- **Premium Rates**
- **Benefit Overview Book for Faculty and Staff**
- **Forms for Same-Sex Domestic Partners**

APPENDIX E: Equality Texas White Paper

There is an apparent conflict of statutes concerning the UT System's duty to offer compensation and benefits to faculty and staff.

Every public institution of higher education in Texas has a statutory duty to offer competitive compensation and benefits in order to attract and retain appropriate faculty. The Education Code specifically states:

§ 51.908. FACULTY COMPENSATION POLICIES. (a) The governing board of each institution of higher education shall establish faculty compensation policies that, to the greatest extent possible, provide the faculty of the institution with an average salary and benefits at least equal to the average of that provided by similar institutions nationwide having a similar role and mission.

(b) The coordinating board shall include information relating to national average salary and benefits, and correlating that information to Texas schools having a similar role and mission, in the master plan for higher education and in the appropriate reports to the legislature.

It is worth noting that the mandate for comparable compensation requires reference to what is available to faculty at peer institutions nationwide. Also, one phrase of the statute, "...to the greatest extent possible..." would create a possible loophole to this otherwise mandatory statute, resolving-in favor of the other statute-any conflict between this statute and any other. However, this is not the only statutory requirement regarding compensation to be offered by the UT System.

There is an entire chapter of the Insurance Code that governs what the UT and A&M Systems must offer as compensation packages. The purpose of Insurance Code Chapter 1601 specifically include the mandate that UT and A&M must offer compensation packages that are comparable to those provided both by private industry and other state agencies:

§ 1601.002. PURPOSES. The purposes of this chapter are to: (1) provide uniformity in the basic group life, accident, and health benefit coverages for all system employees; (2) enable the systems to attract and retain competent and able employees by providing employees with basic life, accident, and health benefit coverages comparable to those commonly provided in private industry and to employees of a state agency other than a system, including a public college or university whose employees are covered under Chapter 1551; . . .

This mandate is broader, and more specific than Section 51.908 of the Education Code. Section 1601.002 clearly does not include a qualifying phrase allowing the systems to avoid this mandate. Most importantly, this section grants to the systems not just the mandate, but the authority to offer competitive compensation packages. This authority may be combined with that to define new terms in Section 1601.007, and the systems' rulemaking authority granted in section 1601.052 to offer benefit programs that go

beyond the basic outlines and any limitations outlined in the chapter to reach the mandate of offering competitive compensation packages.

There is very little room for the Systems to argue that they have any leeway in this matter. Yet another section of Chapter 1601 requires the Systems to determine the minimum standards of compensation packages, and these packages “must be comparable to those commonly provided in private industry...” The language could not be more clear:

§ 1601.053. GENERAL DUTIES RELATING TO COVERAGE. (a) A system shall:

(1) determine basic coverage standards that must be comparable to those commonly provided:

(A) in private industry; and

(B) to employees of another agency or an institution of higher education in this state under Chapter 1551; and . . .

It is important to note that certain language in Chapter 1601 may be read to be in conflict with the above mandatory requirements. Such conflicts are not necessary as this language relates only to the requirement to allow dependents of eligible employees to obtain the same coverage as that offered the employees. There is no apparent restriction upon the Systems’ ability to offer health insurance or benefits packages that are structured on some basis other than dependent eligibility.

APPENDIX F: “Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage”

The article on the following pages analyzes DPB policies in place at several universities.



Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage

By **Alene Russell**
State Policy Scholar, AASCU

As the American public becomes increasingly supportive of equity and fairness in the workplace, employers are discovering that domestic partner benefits programs make good business sense. Evolving social and economic pressures in support of these programs are contributing to their increased use as a competitive lever to attract a diverse, top-caliber workforce.

Context

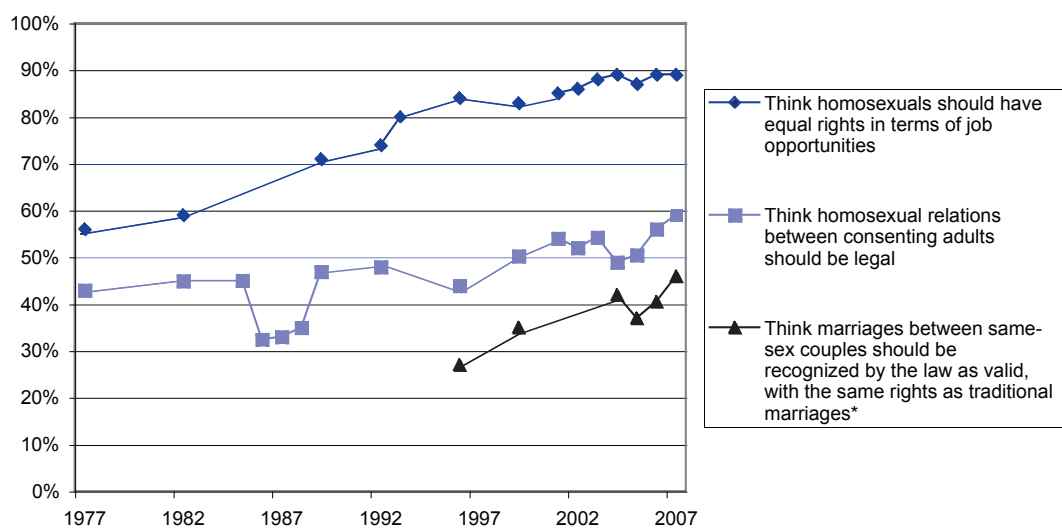
When the *Village Voice* newspaper in New York City first offered benefits to non-married domestic partners of its employees in 1982, this represented a radical departure from tradition. Twenty-five years later, some 9,300 employers in the United States, including many of the nation's largest and most successful companies, have extended their benefits programs to the domestic partners of employees and their dependents. Though such benefits are far from universally available, it is clear that a shift has taken place in American society, moving domestic partner benefits programs from the margins to the mainstream.

This development is consistent with growing public opposition to discrimination on the basis of sexual orientation. It represents a new middle ground in society's culture wars. At one extreme, there are those who wish to preserve the traditional definition of marriage as between one man and one woman

and to deny recognition of any legal status for same-sex couples. At the other extreme, there are those fighting for full marriage equality for same-sex couples. Between them, there is a very large group of individuals who support legal recognition through civil unions or domestic partnerships, but who oppose same-sex marriage. While both sides have intensified their efforts to achieve victories in statehouses, courts, ballot boxes, and Congress, domestic partner benefit programs have grown in popularity as a compromise solution that is acceptable to a large proportion of the American public. The term "domestic partner" itself is still in flux, but in general, it refers to an unmarried couple (same- or opposite-sex) who live together and who are committed to each other, certifying through some formal means that they are financially and legally interdependent.

American businesses have taken the lead in developing domestic partner benefit programs for their employees, believing that it makes good business sense. Employers see this as an inexpensive

Figure 1. Trends in Public Acceptance of Equal Rights for Gays



Source: Gallup Poll News Service.

*Surveys between 1996 and 2005 asked about “marriage between homosexuals.” The 2006 survey asked half of the respondents about “marriage between same-sex couples” and half about “marriage between homosexuals.” The former wording resulted in 3 percent greater support.

way to attract and retain talent and to gain an advantage over the competition. Many of the nation’s most competitive colleges and universities are doing the same, as are a number of states and municipalities. But while private-sector employers cannot be legally prohibited from offering these benefits, the rules governing public entities are much less clear. With the recent passage of many state statutes and constitutional amendments defining marriage, confusion reigns over the extent to which such language affects other legal relationships. New legal ground is continually being charted, and it is likely that the situation will remain volatile for many years to come.

In this context, higher education leaders and state policymakers will benefit from a greater familiarity with the issues surrounding domestic partner benefits programs to better inform policy decisions. This paper describes the key issues and addresses what is at stake for public colleges and universities.

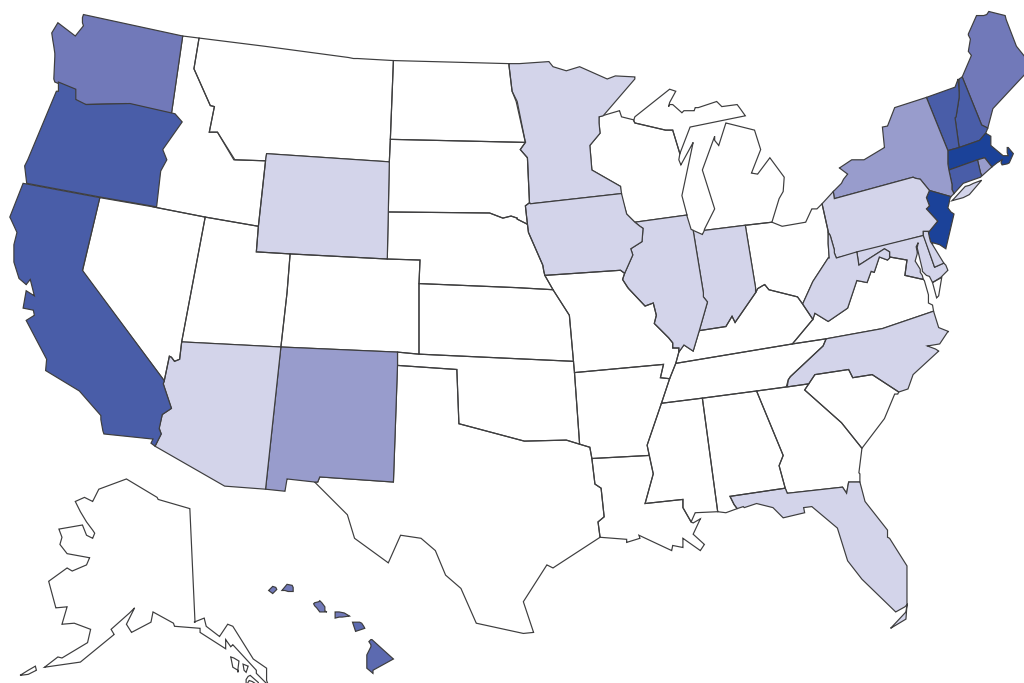
Observations

Over the past three decades, there has been growing public tolerance for gay rights in the country, and growing opposition to discrimination on the basis of sexual orientation. Though the nation remains deeply divided over certain gay-rights issues, there

is overwhelming public support for equality in the workplace. Recent Gallup Poll data indicate that 89 percent of Americans believe “homosexuals should have equal rights in terms of job opportunities,” compared to 56 percent in 1977. There is less, but still growing, tolerance for gay rights in other areas of life (see Figure 1). In the same Gallup Poll, a majority of Americans (53 percent) adhere to the belief that “marriages between same-sex couples should not be recognized by the law as valid, with the same rights as traditional marriages,” but nearly half (46 percent) believe such marriages should be valid. Other polls have reported support for same-sex marriage to be a bit lower, but all are documenting significant change over the past decade.

Evidence suggests some ambivalence on the topic of same-sex relationships. Many people want to be fair-minded, but they are uncomfortable about changing the traditional concept of marriage. Public opinion polls that provide three options—recognition of same-sex marriage, recognition of civil unions but not full marriage rights, or recognition of neither—illustrate this point. Polls taken in 2007 by both the CNN/Opinion Research Corporation and *Newsweek* indicate that one half of all Americans think that either same-sex marriages or civil unions should be recognized as legally valid, with support equally split between those favoring civil unions and those favoring marriage. Fewer Americans (about 44 percent) think that there

Figure 2. State Policies Recognizing Same-Sex Relationships and Restricting Marriage to One Man and One Woman



- state constitutional amendment restricts marriage to one man and one woman; no recognition of same-sex couples
- state law restricts marriage to one man and one woman; no recognition of same-sex couples
- does not recognize same-sex relationships; does not restrict marriage
- recognizes limited spousal rights for same-sex couples, but restricts marriage to one man and one woman
- recognizes civil union or domestic partnership for same-sex couples, but restricts marriage to one man and one woman
- recognizes civil union, domestic partnership, or marriage for same-sex couples and does not restrict marriage to one man and one woman

should be no legal recognition of arrangements between same-sex couples.

Finally, support for gay rights is greatest among younger Americans and decreases as people age. This suggests that the trend toward greater acceptance of differences will continue.

There has been widespread state activity over the past decade prohibiting same-sex marriage, with the majority of states (44) crafting statutes or constitutional language defining marriage as between a man and a woman. A critical question is whether the language in these measures is broad enough to limit other legal rights for same-sex couples, including domestic partner benefits. In 1996, Congress passed the Defense of Marriage Act (DOMA) defining marriage for federal purposes as “only a legal union between one man and one woman” and allowing states to refuse to recognize same-sex marriages performed in other states. This stimulated a flurry of activity at the state level in an area where little legislation had existed before.

The vast majority of states have now enacted laws or constitutional amendments opposed to same-sex marriage (see Figure 2).

- Forty-one states have statutes similar to DOMA that restrict marriage to one man and one woman.
- Twenty-six states have added marriage amendments to their state constitutions to declare marriages between same-sex couples void or invalid. These are seen as stronger measures than state statutes because they prevent courts from ruling that same-sex marriage bans are unconstitutional, and they forbid recognition of same-sex marriages performed in other states. Proposed constitutional amendments are pending in 11 additional states.
- Only six states (Connecticut, Massachusetts, New Jersey, New Mexico, New York, and Rhode Island) and the District of Columbia have no provision against same-sex marriage.

In examining the language of these marriage amendments, the Human Rights Campaign (HRC), an advocacy group working for gay equality, has identified 17 states with broadly written constitutional amendments that might have consequences for other legal relationships such as domestic partnerships. These are now at the heart of controversies in many states as supporters of domestic partner benefits argue that voters were misled; they argue that many citizens voted in support of state constitutional amendments, having been convinced by proponents that the referenda applied only to same-sex marriage. After passage of the amendments, these same proponents have called for a broader interpretation of the new constitutional language.

While some states are restricting recognition of same-sex relationships, a small but growing number have begun to recognize civil unions and domestic partnerships. Seven states offer a full range of spousal rights, and four jurisdictions offer more limited spousal rights to same-sex couples. Just this year, legislatures in three states took action to recognize same-sex relationships, more states to have done so in a single legislative season than ever before. When these laws go into effect in 2008, 20 percent of the U.S. population will be living in states that offer broad-based rights and responsibilities to same-sex couples. Prior to 2000, no states offered such recognition. But unlike traditional marriages, these relationships do not carry the federal protections of marriage (such as Social Security benefits, family medical leave, and so on), and they generally are not recognized outside of a state's jurisdiction.

Currently, Massachusetts is the only state in the nation in which same-sex couples may marry. This is the result of a 2003 Massachusetts Supreme Judicial Court decision that determined that the denial of protections, benefits, and obligations of marriage to same-sex couples violated the due-process and equal-protection clauses of the state's constitution.

Six states provide same-sex couples all or nearly all the rights and responsibilities of married couples through parallel arrangements. Four of these states offer civil unions: Connecticut, New Hampshire (effective 2008), New Jersey, and Vermont. Two offer domestic partnerships: California and Oregon (effective 2008). Four additional jurisdictions offer more limited spousal rights to same-sex couples: the District of Columbia, Hawaii, Maine, and Washington. In several cases, these states prohibit same-sex marriage, but have created a parallel legal structure to grant benefits, protections, and responsibilities.

Motivated by a desire to attract and retain high-quality workers, private businesses have taken the lead in offering domestic partnership benefits to their employees, with public entities following suit. Emerging research is documenting this as a cost-effective strategy for fully harnessing workforce potential. Benefits such as health and dental insurance are a significant component of the total compensation package offered by employers, and research has documented that benefit packages affect employee decisions and job satisfaction. Though benefits have traditionally been extended to the spouse and children of an employee, this has not been an option for same-sex couples, effectively resulting in lesser compensation. Employers have begun to recognize that extending benefits to domestic partners and their children can be a cost-effective way to recruit and retain talent, as well as a way to promote workplace equality. Many organizations have a policy against discrimination on the basis of sexual orientation, and in many jurisdictions, such discrimination is illegal. Offering partner benefits equalizes the compensation package and demonstrates commitment to non-discrimination.

Domestic partner benefits are not limited to same-sex couples. Hewitt Associates, a global human-resources consulting company, has found that 58 percent of organizations that offer domestic partner benefits offer them to both same-sex and opposite-sex couples.

To determine eligibility, employers require documentation of domestic partnership status in one of two ways. Some employers define their own requirements and develop a domestic partnership affidavit. The partners are typically required to certify that they are at least 18 years of age, unmarried, not related to each other, sharing a committed relationship that is exclusive, living together, and financially and legally responsible for each other. More employers are taking a second approach, which is to accept documentation from local or state domestic partner registries, state-level civil unions, or marriages (in Massachusetts). As the number of registries grows, the latter approach is gaining in popularity because it reduces the burden on employers.

Significantly, the largest and most successful companies are the most likely to offer domestic partner benefits, recognizing that they provide a competitive edge in the search for talent. Currently 269 of the Fortune 500 companies provide domestic partner benefits. Of the nation's 100 top-grossing law firms, 88 provide health benefits to same-sex partners of employees.

Thirteen states offer at least some domestic partner benefits to state employees, and at least 145 city and county governments around the country offer them. This is occurring across the nation, even in states that prohibit same-sex marriage.

For both private and public entities, the cost of providing benefits has been a primary concern, at least at the outset, but a growing number of studies are documenting that costs are far less than anticipated. Research suggests that the actual number of people using these benefits has been modest, and the fiscal risks (i.e., costs) associated with these individuals are no greater than those of spouses. In Minnesota, for example, the total cost of providing state employee health benefits increased just 0.05 percent when domestic partner health benefits were added, equivalent to four cents per year per state employee. Studies by the Society for Human Resource Management, KPMG Peat Marwick, and the Employee Benefit Research Institute have similarly concluded that adding health-care benefits for domestic partners generally has a minimal financial impact on overall benefits costs, raising them at most by one to two percent. When looking at cost issues pertaining to statewide employee-benefits programs, studies have actually projected cost savings. This is due to the fact that when same-sex couples assume fiscal responsibility for one another in legally recognized arrangements, they save taxpayers money by reducing dependence on public-assistance programs.

Colleges and universities, led by private institutions, are increasingly extending benefits to domestic partners, but these institutions remain in the minority. Public institutions are proceeding at a slower pace and with greater caution, mindful of the appropriations power wielded by policymakers who may not agree with the policy. The Human Rights Campaign has identified 304 higher education institutions in the United States that offer domestic partner benefits. Mirroring corporate America, the more competitive institutions are at the forefront of efforts to utilize these benefits as a tool in attracting and retaining top faculty and staff. HRC indicates that 60 percent of *U.S. News & World Report's* top 125 colleges and universities offer partner benefits, a proportion higher than that of Fortune 500 companies (54 percent). Of *U.S. News's* top 10 colleges and universities, all offer domestic partner benefits; the same is true for all Ivy League universities. The University of Wisconsin is the only Big Ten conference school that does not offer partner benefits.

Provision of domestic partnership benefits is an issue for all of higher education, not just elite institutions. Approximately 141 public colleges and universities offer domestic partner benefits, and 25 states have at least one public institution that offers these benefits. Sixty-five members of the American Association of State Colleges and Universities (AASCU) do so, representing 15 percent of AASCU institutions. Comprehensive universities, in particular, have much to gain by offering competitive benefits packages since they have less money to offer in salaries. This could make a real difference in attracting talented faculty and staff and improving campus morale and workplace productivity.

In a 1995 resolution, the American Association of University Professors (AAUP) stated its opposition “to discrimination based upon an individual’s sexual orientation in the selection of faculty, the granting of promotion or tenure, and the providing of other conditions and benefits of academic life.” Faculty on campuses across the nation have taken up this cause, and even those who would not directly benefit from domestic partner benefits are calling for equal benefits on their campuses as a symbol of a non-discriminatory and inclusive community.

As to cost, domestic partnership benefits at public universities have not been a drain on state budgets. Data from the College and University Professional Association for Human Resources (CUPA) indicate that only 8 percent of institutions pay all health insurance costs for family coverage; it is far more common for employees to pay for some or all of the costs associated with covering additional family members. Also, in some instances, the employer portion of domestic partner benefits costs is paid for out of private donations so that no state money is used.

Political battles continue to be fought across the nation, and there are a growing number of legal challenges to public colleges’ right to offer benefits to domestic partners. While Attorneys General and the courts in several states have concluded that domestic partner benefits do not violate state bans on same-sex marriage, others are reaching the opposite conclusion. The following state examples illustrate the volatility of the situation, the political and legal struggles being fought in the states, and the uncertainty university leaders are facing.

Wisconsin—Concerned about being at a relative disadvantage in the competition for faculty talent, Governor Jim Doyle proposed a measure to the state legislature in 2005 to provide funding for health insurance for domestic partners of employees. State legislators rejected this proposal.

In 2006, voters passed a constitutional amendment to prohibit same-sex marriage. Many groups, including the Board of Regents of the University of Wisconsin System, expressed concern that it might restrict domestic benefit programs, and the city of Madison, which has had a domestic benefit program since 1990, asked for clarification from the state’s Attorney General. The AG declared that the marriage amendment does not prohibit public or private employers from extending domestic partner benefits to non-married partners of employees, and that “neither the Legislature nor the people intended to invalidate domestic partnerships when they adopted this provision.” UW still does not offer domestic benefits.

“The absence of domestic partner benefits is really a serious recruiting issue for us. We know of instances where we have lost outstanding candidates because of it.”

—University of Wisconsin at Madison’s provost, 2005

Michigan—When Michigan voters approved a state constitutional amendment in 2004 that banned recognition of marriage for same-sex couples or other “similar union for any purpose,” confusion about the legality of domestic partner benefits arose. In a dispute pertaining to the city of Kalamazoo, the University of Michigan, Wayne State University, and the American Association of University Professors filed briefs with the court urging that the marriage amendment did not prohibit domestic partner benefits and arguing that such benefits were “vital to the universities’ ability to recruit and retain the best and the brightest faculty and staff.” In a 2005 decision, the judge backed the universities’ position, arguing that health-care benefits are not a legal part of marriage, but rather part of an employment relationship and that awarding these benefits does not violate the “similar union” language of the constitutional amendment. However, in early 2007, an appeals court reversed that decision, ruling that the marriage amendment “prohibits public employees

“Given the economic crisis our state is in, discouraging an educated workforce from staying in Michigan . . . seems like a step backward instead of forward.”

—Eastern Michigan University staff member, 2007

from recognizing same-sex unions for any purpose.” Though the American Civil Liberties Union (ACLU) will appeal the decision to the Michigan Supreme Court, Michigan State University and the University of Michigan have meanwhile broadened their domestic benefits plans to avoid the language of domestic partnerships. MSU’s pilot program offers benefits to “Other Eligible Individuals,” defined by neutral criteria that do not require documentation of a committed relationship. Similarly, the University of Michigan’s program allows for benefit coverage for “Other Qualified Adults.”

Kentucky—In July 2006, the University of Louisville became the first university in the state of Kentucky to offer domestic partner benefits, and the University of Kentucky followed in April 2007. Members of the state legislature who were opposed to this development asked the state Attorney General to issue an opinion. In June 2007, the AG asserted that these two programs violated the state’s marriage amendment that bars recognition of any same-sex status “substantially similar” to marriage. However, he opened the door to other types of benefits approaches, suggesting a solution similar to what was done in Michigan—broadening the definition of eligible individuals to others who live in the household under circumstances that do not resemble marriage. UK responded by creating a Sponsored Dependent Coverage plan based on sharing a residence for at least a year, but not classifying the dependent as a domestic partner. U of L has developed a similar plan that would provide coverage for one “qualifying adult.” The matter is not settled, however. Governor Ernie Fletcher is pushing for legislation that would ban benefits to domestic partners of state university employees.

“We are not endorsing any lifestyle. We are simply recognizing that people are people. We are recognizing the world we live in.”

—University of Louisville trustee, 2006

Ohio—In 2005, a state representative from Cincinnati filed a lawsuit against Miami University, contending that its domestic partner benefits policy violates the state marriage amendment. That measure prohibits state agencies from creating or recognizing relationships that “approximate the design, qualities, significance or effect of marriage.” His lawsuit stated that he had grounds to sue the institution as both a taxpayer and a tuition-paying parent. A judge dismissed the case in 2006, ruling that the legislator did not have standing

Miami University officials “have thumbed their noses at the Constitution.”

—Ohio lawmaker, 2005

to sue because he was not significantly affected by the university policy, but he added that others might have standing to file such a lawsuit. A 2007 appeals-court decision upheld the lower court's ruling that the legislator did not have standing to sue on either ground: first, taxpayers do not have a general right to challenge any decision by a public entity, and second, tuition funds are not used to pay for the benefits. The legislator could appeal to the state Supreme Court, or other lawsuits could follow.

Conclusion

With public opinion increasingly supporting equity and fair compensation in the workplace, and with full marriage equality for same-sex couples unlikely in the foreseeable future, legal recognition of same-sex couples in the form of domestic partnerships seems here to stay and likely to grow. Leaders of public higher education and state policymakers need to understand what the competition already recognizes: that offering domestic partner benefit programs is a cost-effective strategy to attract and retain faculty, staff, and administrators from a greater pool of talent. And of equal importance, offering these programs is essential if the nation's public institutions are to demonstrate their commitment to social and economic justice, diversity, and inclusiveness.

For many public institutions, adopting policy that allows for the offering of domestic partner benefits may well be a significant public-relations challenge, but, as the experience of 25 states demonstrates, it is not insurmountable. The process can be particularly difficult in states where lawmakers hold conservative views about marriage and have fears about a negative impact on state budgets. It is incumbent upon both higher education leaders and policymakers to learn the facts as they relate to public policy and economic competitiveness, and to make informed decisions.

Resources

American Association of University Professors (AAUP).

Domestic Partner Benefits on Campus (2005) describes AAUP's position and reviews recent domestic partnership litigation involving faculty.

aaup.org/AAUP/protect/legal/topics/partners.htm

American Civil Liberties Union (ACLU).

ACLU's Lesbian Gay Bisexual Transgender (LGBT) Project fights LGBT discrimination and engages in legal and public-education efforts to recognize same-sex relationships. It produces an annual report providing a state-by-state update of political activity and litigation pertaining to LGBT issues.

aclu.org/lgbt

Domawatch.org. Domawatch.org is a project of the Alliance Defense Fund, a conservative Christian organization that supports the preservation of marriage as a union of one man and one woman. It tracks lawsuits related to the issue of same-sex marriage and provides detailed information on state and federal circuit-court cases.

domawatch.org/

Gallup Poll News Service. Gallup's annual Values and Beliefs Survey has collected data for over 30 years on trends in public tolerance for gay rights.

galluppoll.com/content/?ci=27694&pg=1

Human Rights Campaign (HRC). HRC is an advocacy group that works to achieve gay equality. Its resources include a database of employers that offer domestic partnership benefits, analysis of marriage- and relationship-related bills and ballot initiatives, and an annual update on workplace issues for gay Americans.

hrc.org

National Conference of State Legislatures (NCSL).

NCSL tracks state legislative activity pertaining to same-sex marriage, civil unions, and domestic partnerships, including results of the 2006 elections and a timeline of same-sex-marriage political and legal activity since 2003.

ncsl.org/programs/cyf/samesex.htm

Stateline.org. *Same-Sex Marriage Ripe for Decision in 2 Courts* provides excellent background on this issue, including a timeline of key events and a summary of state policies.

stateline.org/live/digitalAssets/9339_Same-sex_marriage.pdf

Contact: Alene Russell, State Policy Scholar
at 202.478.4656 or russella@aascu.org • aascu.org