

City of Greenfield LGBTQIA+ Protection Ordinance

CITY OF GREENFIELD ORDINANCE NO. 2025-

IN CITY COUNCIL: _____, 2025

AN ORDINANCE TO PROTECT AND AFFIRM THE GENDER OF ALL INDIVIDUALS

Be it ordained by the Greenfield City Council in session assembled, that the Code of Ordinances of the City of Greenfield is hereby amended by adding the following Chapter:

1. Purpose

The purpose of this ordinance is to affirm Greenfield's commitment to upholding the dignity, equality, and rights of all individuals to live as their full, authentic selves, regardless of gender; to protect access to essential services by LGBTQIA+ individuals without fear of discrimination, criminalization, or legal repercussion; and to clarify that our city will not participate in any civil or criminal action related to healthcare provision originating in other states or expend city resources related to such aim.

2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

- a. CITY AGENT: Any employee or officer of the City of Greenfield, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the City of Greenfield, any contractor for the City of Greenfield while a contract between the City of Greenfield and said contractor is in effect, and any recipient of City funding, grants, awards, or appropriations.
- b. GENDER: A socially constructed system that gives meaning to masculinity and femininity and which unevenly distributes power and opportunity according to cultural interpretations of sex. As an element of personal identity, a person's gender is developed through the interaction of social roles and expectations, one's response to those expectations, one's physiology, and one's internal sense of self.¹
- c. GENDER-AFFIRMING HEALTHCARE: All supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, pharmacological, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to the treatment of gender dysphoria.
- d. GENDER EXPRESSION: The external representation of gender as expressed by an individual including, but not limited to, through clothing, haircut, behavior, voice, or body characteristics.

¹ <https://www.oregon.gov/ode/students-and-family/equity/civilrights/Documents/ODE-Supporting-Gender-Expansive-Students.pdf>

e. **GENDER IDENTITY:** An individual's internal sense of being masculine, feminine, two spirit, non-binary, or something else (e.g. woman, man, nonbinary, or gender queer). This is sometimes, but not always, related to one's biological sex.

f. **BIOLOGICAL SEX:** A scientific categorization into female, male or intersex based on a combined assessment of primary sex characteristics, secondary sex characteristics, chromosomes, and hormones.

Binary biological sex (male or female) is often assigned at birth according to primary sex characteristics alone (apparent genitalia). However, this does not match the scientific data and consensus; there are millions of intersex people in the world today.

g. **INTERSEX:** An umbrella term for people with sex traits (such as chromosomes, hormones, gonads, or genitals) that do not fit binary notions of male or female bodies. Intersex sex traits may be visible at birth, emerge during puberty, or remain undetected until later in life.

h. **BIOLOGICAL SEX MARKER:** An abbreviated indicator of an individual's biological sex (e.g. F, M, or X).

i. **LGBTQIA+:** Individuals who identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, or other diverse sexual orientations and gender identities.

j. **SEXUAL ORIENTATION:** An inherent or immutable enduring emotional, romantic or sexual attraction to other people. An individual's sexual orientation is independent of their gender identity.²

k. **TRANSGENDER:** An individual whose gender identity is different from the binary gender (man or woman) corresponding to their assigned sex at birth, and encompasses binary, non-binary, two spirit, and gender expansive identities.

3. Equal treatment of all individuals.

a. All Greenfield city agents shall treat all employees, applicants, contractors, and members of the public with dignity and respect, regardless of gender, gender expression, gender identity, biological sex, or sexual orientation.

b. An individual's gender identity, biological sex, gender expression, or sexual orientation shall have no bearing on an individual's treatment by any city agent.

² <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>

- c. City agents shall not harass, discriminate, or retaliate against anyone based on their gender, gender identity, biological sex, gender expression, gender transition status, or sexual orientation.
4. Employee Protection.
 - a. “Gender identity,” “gender expression,” “biological sex,” and “sexual orientation” shall be included in the list of protected classes in the City’s non-discrimination and anti-harassment policies.
 - b. When employees are transitioning gender, The City of Greenfield shall work with individual employees to create and implement transition plans that meet that employee’s needs.
 - c. City of Greenfield departments shall change an employee's name, pronouns, biological sex marker, and gender in all personnel and administrative records upon the employee’s request, including internal and external personnel directories, e-mail address and business cards.
 - d. Any anti-bias training for city employees shall consider gender identity, gender expression, and sexual orientation and include both transgender people and intersex people.
 - e. The City of Greenfield shall endeavor, when possible, to prioritize health insurance plans that cover gender affirming care.
5. Requests for information or assistance.
 - a. Consistent with G.L. ch. 4 § 7(26)(c), personnel and medical files or information and any other materials or data related to the provision of gender-affirming health care services for any person, including individuals who are not residents of the City of Greenfield or the Commonwealth of Massachusetts, held by any city agent in their capacity as a city agent shall be kept confidential and shall not be disclosed in response to a public records request.
 - b. No city agent may provide information or assistance to any state or federal law enforcement agency or any private citizen or quasi-law enforcement agent in relation to any investigation, inquiry, or civil or criminal action regarding gender-affirming healthcare or any action targeting an individual based on their LGBTQIA+ identity if such services or identities are lawfully recognized and protected in the Commonwealth; provided that they are not required to do so by Massachusetts law, or as required by the Massachusetts Public Records law pursuant to Chapter 66 of the General Laws and its regulations.

- c. No city resources, materials, or funds shall be used in the provision of such information.
 - d. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.
- 6. Role of the Police Department.
 - a. No city agent shall initiate investigations or take law enforcement action on the basis of an individual seeking or providing gender-affirming healthcare or on the basis of an individual's gender identity or sexual orientation.
 - b. Pursuant to G.L. c. 147, § 63 no city agent shall hold a person, regardless of residency, for seeking, receiving, causing, aiding in access to, aiding or abetting or providing, or attempting or intending to seek, receive, cause, aid in access to, aid or abet, or provide gender-affirming health care services, if such services are legally-protected health care activities in the Commonwealth of Massachusetts, except as required by the order of a court of competent jurisdiction.
 - a. Consistent with state law, any person held in custody by the Greenfield Police Department shall not be remanded, transferred, or extradited to another jurisdiction for having sought, received, caused, aided in accessing, aided or abetted or provided, or attempted or intended to seek, receive, cause, aid in access to, aid or abet, or provide gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction or when the investigation or proceeding would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth.
- 7. Provision of Municipal Services.
 - a. All single-use public restrooms in public buildings shall be marked gender neutral.
 - b. In all future city buildings, there will be at least one single-use, gender-neutral restroom.
- 8. Gender Protection Implementation Ad Hoc Subcommittee
 - a. A Gender Protection Implementation Ad Hoc Subcommittee of the Greenfield City Council Appointment & Ordinances Committee shall be created to review the city's HR and enforcement policies, identify any gender biases or gaps, and propose solutions. The review will identify areas where gender-inclusive policies need to be developed or existing policies need to be revised.

9. Enforcement

- a. Allegations of violations of this ordinance may be filed by any method provided for filing of complaints, including without limitation with the human resources department or, in the case of a complaint against an officer or employee of the police department, the Department's Internal Affairs office, who shall investigate the complaint in coordination with the Public Safety Commission and take appropriate disciplinary action.
- b. A violation of this ordinance constitutes an injury and a rebuttable presumption of harm to the individual (a) who sought or provided gender affirming care and/or (b) who was targeted on the basis of their gender identity, gender expression, biological sex, or sexual orientation in a manner prohibited by this ordinance.
- c. Any city agent who fails to comply with this article or with any state regulation pertaining to gender-affirming health care shall be subject to the discipline policies of the City of Greenfield, union contract, and any penalties provided by state law.
- d. Any city contractor found to have violated this article shall be subject to review and potential termination of contract.
- e. Nothing in this ordinance shall be construed to limit or affect any individual's rights under state or federal laws.

10. Effective date.

- a. The stipulations in this ordinance shall be considered immediately upon passage.
- b. The City of Greenfield and its departments shall promptly develop and implement any practical policies, practices, procedures, directives, and training necessary to effectively and faithfully meet the requirements of this ordinance.
- c. The policies, practices, procedures, directives and training materials shall be forwarded to the city council within ten (10) business days after enacted.

11. Severability.

The provisions in this ordinance are severable. If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall continue to have full force and effect.