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Discrimination against LGBT People in Kansas

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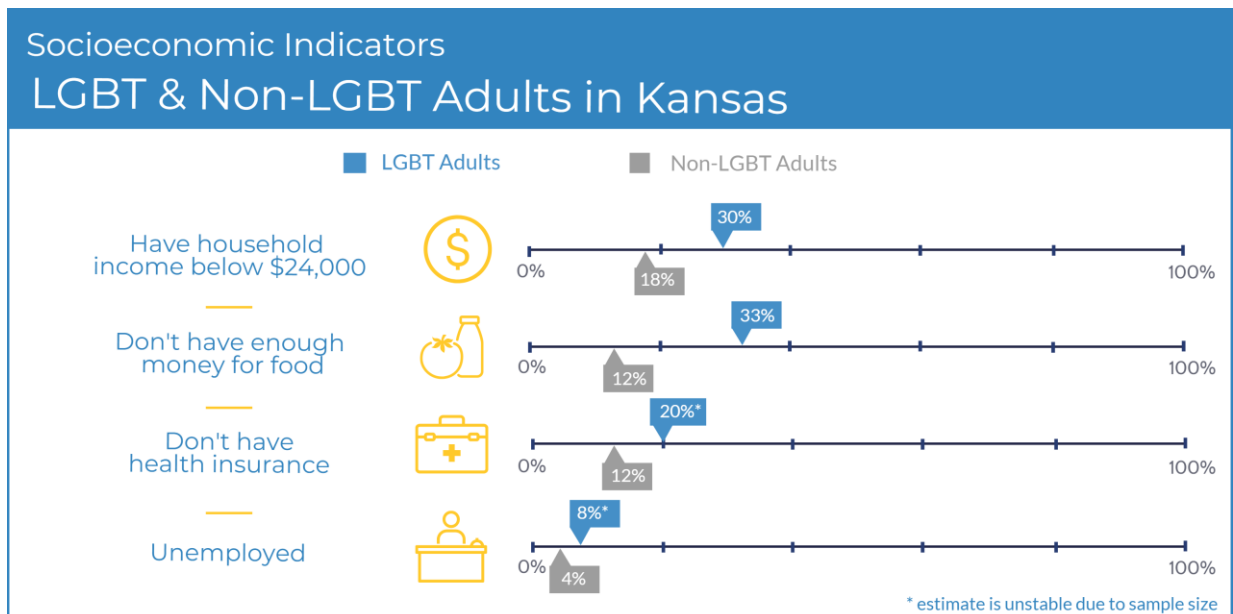
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Executive Summary

Over 4% of American adults identify as LGBT. An estimated 72,600 LGBT adults live in Kansas. Kansas does not have a statewide law that expressly prohibits discrimination based on sexual orientation or gender identity in employment, housing, public accommodations, or other areas.

This report summarizes recent evidence of sex discrimination against LGBT people in Kansas, explains the limited current protections from sexual orientation and gender identity discrimination in the state, and considers the administrative impact of adding these characteristics to the Kansas Act Against Discrimination.

72,600	56,000	38%	67%	12%	31
Number of LGBT adults in Kansas	Number of LGBT workers in Kansas	Transgender workers reporting workplace mistreatment in past year	Public support for LGBT non-discrimination protections	Population protected by local non-discrimination laws	Number of new complaints if LGBT protections are added to state law



Key findings of this report include:

LGBT People in Kansas Report Experiencing Discrimination and Harassment in Employment, Housing, Public Accommodations, and Other Settings

- An estimated 72,600 LGBT adults live in Kansas.¹ There are approximately 56,000 LGBT workers aged 16 and older in the state.²
- Survey data indicate that LGBT people in Kansas experience harassment and discrimination. For example, in response to the 2015 U.S. Transgender Survey, 38% of transgender respondents from Kansas reported that they had experienced workplace harassment or general mistreatment; 15% reported losing a job; and 29% reported being fired, denied a promotion, or not being hired for a job in the past year due to their gender identity or expression.³ Further, 22% of transgender respondents from Kansas said they had experienced discrimination in housing within the past year, and 29% of respondents reported that they had been discriminated against or harassed at a place of public accommodation within the past year.⁴
- In addition, aggregated data from two large public opinion polls conducted between 2011 and 2013 showed that 79% of Kansas residents thought that LGBT people experienced discrimination in the state.⁵ Similarly, another public opinion poll conducted in 2016 found that 60% of Kansas residents thought that LGBT people experienced a lot of discrimination in the U.S.⁶
- National survey data on discrimination against LGBT people are consistent with data from Kansas. For example, in response to a national survey of LGBT people conducted by Pew Research Center in 2013, 21% of respondents said that they had been treated unfairly by an employer in hiring, pay, or promotions and 23% had received poor service at a restaurant, hotel, or other place of business because of their sexual orientation or gender identity.⁷

LGBT People in Kansas Experience Poor Socioeconomic Outcomes

- Research has linked poorer socioeconomic outcomes for LGBT people to region, a lack of legal protections from discrimination, and less supportive social attitudes toward LGBT people. Data from the 2015-2017 Gallup Daily Tracking survey⁸ indicate that LGBT people in Kansas experience poorer socioeconomic outcomes than their non-LGBT counterparts:
 - 30% of LGBT adults in Kansas reported having a household income below \$24,000 compared to 18% of non-LGBT adults.
 - 33% of LGBT adults in Kansas reported not having enough money for food compared to 12% of non-LGBT adults.
 - 20%⁹ of LGBT adults in Kansas reported that they do not have health insurance compared to 12% of non-LGBT adults.
 - 8%¹⁰ of LGBT adults in Kansas reported being unemployed compared to 4% of non-LGBT adults.

- In response to the 2015 U.S. Transgender Survey, 36% of transgender respondents from Kansas said they were living in poverty and one-third had experienced homelessness at some point in their lives.¹¹

The State Executive Branch, Local Governments, Private Employers, and Public Universities in Kansas Have Made Efforts to Protect LGBT People from Discrimination and Harassment, but Coverage Is Incomplete

- Five localities in Kansas have adopted broad local ordinances that prohibit discrimination based on sexual orientation in and gender identity in areas such as employment, housing, and public accommodations: Kansas City/Wyandotte County, Lawrence, Manhattan, Prairie Village, and Roeland Park.
- Approximately 12% of Kansas’s adult population is protected from discrimination under these five local ordinances. However, the ordinances do not offer the same scope of enforcement mechanisms and remedies as Kansas’s statewide non-discrimination law, the Kansas Act Against Discrimination.
- Several of Kansas’s largest corporate employers, including Spirit Aerosystems, Sprint, Cessna Aircraft, Hawker Beechcraft, and General Motors, have policies prohibiting discrimination based on sexual orientation and gender identity. Additionally, all seven public universities in the state have internal policies prohibiting employment discrimination based on sexual orientation, and six of them also prohibit discrimination based on gender identity.

Public Opinion in Kansas Supports the Passage of Non-Discrimination Protections for LGBT People

- In response to a national poll conducted in 2017, 67% of respondents from Kansas said they were in favor of laws that would protect LGBT people from discrimination in jobs, housing, and public accommodations.¹²
- Similarly, in response to a national poll conducted in 2011, 68% of Kansas respondents said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity.¹³

A Statewide Law Prohibiting Discrimination Based on Sexual Orientation and Gender Identity in Kansas Would Not Be Administratively Burdensome or Costly to Enforce

- Adding sexual orientation and gender identity to the state’s non-discrimination law would result in approximately 31 additional complaints being filed with the Kansas Human Rights Commission each year.
- The additional complaints could likely be absorbed into the existing enforcement system with no need for additional staff and negligible costs.

Evidence of Discrimination

Survey Data and Reports of Discrimination against LGBT People in Kansas

Research shows the existence of widespread and continuing discrimination against LGBT people in the U.S. In response to surveys, LGBT people consistently report having experienced discrimination in employment, housing, public accommodations, and other areas. For example, in a national survey of LGBT people conducted by the Pew Research Center in 2013, 21% of those surveyed said that they had been treated unfairly by an employer in hiring, pay, or promotions, and 23% said that they had received poor service at a restaurant, hotel, or other place of business because of their sexual orientation or gender identity.¹⁴ Additionally, the nationally representative 2008 General Social Survey found that 37% of gay men and lesbians reported that they had experienced workplace harassment in the last five years and 12% had lost a job because of their sexual orientation.¹⁵

When transgender people are surveyed separately, they report similar or higher levels of discrimination. For example, in response to the 2015 U.S. Transgender Survey, 27% of respondents nationwide reported being fired, denied a promotion, or not being hired for a job they applied for in the prior year because of their gender identity, and 15% reported being verbally, physically, or sexually harassed at work in the prior year because of their gender identity.¹⁶ In addition, 23% of respondents nationwide reported experiencing some form of housing discrimination in the prior year because of their gender identity, and 31% of respondents who said that staff at a place of public accommodation knew or thought they were transgender had a negative experience while obtaining goods or services in the prior year.¹⁷

Among transgender respondents from Kansas to the 2015 U.S. Transgender Survey, 38% said they had experienced workplace harassment or general mistreatment; 15% reported losing a job; and 29% reported being fired, denied a promotion, or not being hired for a job in the prior year due to their gender identity or expression.¹⁸ In addition, 22% of respondents from Kansas reported experiencing some form of housing discrimination in the year prior to the survey because of their gender identity, and 29% of Kansas respondents who said that staff at a place of public accommodation knew or thought they were transgender had a negative experience while obtaining goods or services in the year prior to the survey.¹⁹

In addition, public opinion polls indicate that people in Kansas, both LGBT and non-LGBT, think LGBT people experience discrimination. An analysis of aggregated data from two national public opinion polls conducted between 2011 and 2013 found that 79% of Kansas residents thought that LGBT people experienced discrimination in the state.²⁰ Another public opinion poll conducted in 2016 found that 60% of Kansas residents thought that LGBT people experienced a lot of discrimination in the U.S.²¹

Reports of discrimination against LGBT people in the U.S. have also been documented in court cases, state and local administrative complaints, complaints to community-based organizations, academic journals, newspapers, books, and other media.²² Additionally, a number of federal, state, and local administrative agencies and legislative bodies have acknowledged that LGBT people have faced widespread discrimination.²³

Documented reports of discrimination based on sexual orientation and gender identity in Kansas include:

- In 2017, a drama and art teacher in Seneca began receiving anonymous threats after a photograph of him and a male friend circulated online. The letters included comments like, “queers will burn and so will you,” “we don’t want fags in our school,” and “homosexuals should not be teaching our kids...they are perverts and predators. They are not acceptable role models.” Many of the letters said he should be fired because of his sexual orientation. He was harassed in the classroom, his tire was punctured, and his car was vandalized with the word “f----t.” The teacher reported the incident to the police, who made no finding. For his safety, the teacher requested leave from the school. After seven weeks of unpaid leave, the school administration told him to return or resign. Still fearing for his safety, he resigned and moved to California.²⁴
- In 2015, Secretary Phyllis Gilmore of the Kansas Department for Children and Families stated that the preferred situation is for “every child to have a mom and dad, if possible,” suggesting that same-sex couples are less desirable parents.²⁵
- In 2015, an employee of the University of Kansas reported that his supervisor regularly addressed him with derogatory language associated with gay men and sexually harassed him on multiple occasions. The university’s Office of Institutional Opportunity and Access twice rejected requests to investigate. The employee filed a complaint based on sexual orientation discrimination and retaliation with the Office, which it did not investigate. The employee appealed the decision to the University’s vice provost. The former employee agreed to mediation with the university facilitated by the Kansas Human Rights Commission.²⁶
- In 2015, an advocate for LGBT rights in Kansas told the Topeka Capital-Journal that he hears stories from LGBT people who have been fired because of their sexual orientation or gender identity at least once a month. He noted that one man was fired after his wedding to his partner was featured in local media.²⁷
- In 2013, an inmate in state prison sought visitation from his husband, whom he had legally married in Iowa. At the time, Kansas did not allow same-sex couples to marry. The Kansas Department of Corrections denied his husband’s visitation application, despite meeting the department’s general criteria for visitation. The couple believed they were singled out because of their sexual orientation.²⁸
- In 2003, the day after the U.S. Supreme Court issued the *Lawrence v. Texas*²⁹ decision, members of the Topeka and Shawnee County public library staff ordered an employee who had been a longtime member of Parents, Families, and Friends of Lesbians and Gays (PFLAG) to never again speak about the decision at work. In response to a letter from the ACLU, the library admitted that it cannot forbid one of its employees from talking about a Supreme Court decision while at work, and assured the ACLU that it would not restrict employees in that way.³⁰

Socioeconomic Outcomes for LGBT People

Research has found that gay men and transgender people experience wage gaps,³¹ and has found an association between lower earnings and a lack of state-level protections from discrimination for LGBT people.³² Research also indicates that LGBT people, in general, are disproportionately poor,³³ and that social climate and policy are linked determinants of poverty among LGBT communities.³⁴

For example, a 2014 analysis conducted by the Williams Institute using data from the Gallup Daily Tracking survey linked greater socioeconomic disparities for LGBT people to region, a lack of legal protections, and less supportive social attitudes toward LGBT people.³⁵ The analysis found that LGBT people face greater social and economic disparities in states without statewide laws prohibiting sexual orientation discrimination, and in regions of the country with a poorer social climate for LGBT people.³⁶

More recent data collected through the Gallup Daily Tracking survey (2015-2017) show similar disadvantages for LGBT people in Kansas³⁷ including:

- 30% of LGBT adults in Kansas report having a household income below \$24,000 compared to 18% of non-LGBT adults.
- 33% of LGBT adults in Kansas report not having enough money for food compared to 12% of non-LGBT adults.
- 20%³⁸ of LGBT adults in Kansas report that they do not have health insurance compared to 12% of non-LGBT adults.
- 8%³⁹ of LGBT adults in Kansas report being unemployed compared to 4% of non-LGBT adults.

In addition, the 2015 National Transgender Discrimination Survey found that 36% of transgender respondents from Kansas were living in poverty and one-third had experienced homelessness at some point in their lives.⁴⁰

Current Protections from Discrimination

Kansas's statewide non-discrimination law, the Kansas Act Against Discrimination, does not include sexual orientation or gender identity.⁴¹ Several legislative efforts have been made to add these characteristics to the law, but none have been successful.⁴²

Though there are no statewide protections from sexual orientation and gender identity discrimination in areas such as employment, housing, and public accommodations, there are some limited protections from discrimination for LGBT people in the state. Five localities in the state have adopted local ordinances that prohibit discrimination based on sexual orientation and gender identity in employment, housing, and public accommodations. In addition, a number of businesses and universities in Kansas have adopted internal policies that prohibit discrimination based on sexual orientation and gender identity.

Kansas Human Rights Act

The Kansas Act Against Discrimination (KAAD) prohibits discrimination based on race, religion, sex, disability, national origin, and ancestry in employment, housing, and public accommodations.⁴³ The Kansas Human Rights Commission enforces the KAAD.⁴⁴ The Commission has the power to accept, investigate, and act on complaints of discrimination.⁴⁵ Individuals who believe they have experienced discrimination must file a complaint with the Commission within six months after the discriminatory practice occurred.⁴⁶ If the Commission determines that there is probable cause to support a finding of discrimination, it may attempt to resolve the complaint informally through mediation or, if that fails, through a formal hearing.⁴⁷ If the Commission determines that unlawful discrimination has occurred, it may issue a cease and desist letter, as well as award remedies including hiring, reinstatement, back pay, admission to a public accommodation, and damages for pain, suffering, and humiliation up to \$2,000.⁴⁸ The KAAD allows individuals who have experienced housing discrimination to file suit in court, but does not provide a private right of action for discrimination in employment or public accommodations.⁴⁹

Local-Level Protections from Discrimination Based on Sexual Orientation and Gender Identity

Five localities in Kansas have local ordinances prohibiting discrimination based on sexual orientation and gender identity in employment, housing, and public accommodations: Kansas City/Wyandotte County,⁵⁰ Lawrence,⁵¹ Manhattan,⁵² Prairie Village,⁵³ and Roeland Park.⁵⁴ Approximately 12% of Kansas's adult population lives and works in these localities.⁵⁵

All five local ordinances, like the KAAD, provide for enforcement of discrimination complaints. In all five localities, individuals who believe they have experienced discrimination may file an administrative complaint with the locality, which is then handled by a human rights commission or other local government department.⁵⁶ Lawrence's ordinance, like the KAAD, also allows individuals who have experienced housing discrimination to file a civil complaint in court.⁵⁷ The ordinances vary in terms of the remedies that may be awarded in cases where discrimination is found. Lawrence's ordinance offers the broadest range of remedies, similar to the KAAD. Successful complainants in Lawrence may be awarded equitable remedies, such as hiring, reinstatement, and back pay, and, in cases of housing discrimination, may also be awarded actual damages, including compensation for pain and suffering.⁵⁸ Roeland Park's ordinance also provides for actual damages if a hearing officer determines that discrimination has occurred.⁵⁹ In Manhattan and Prairie Village, hearing officers may impose civil penalties and/or damages up to \$500.⁶⁰ Kansas City/Wyandotte County's ordinance does not specify the remedies that may be available if discrimination is found.⁶¹

Private Company and University Non-Discrimination Policies

Private companies adopt internal policies prohibiting discrimination based on sexual orientation and gender identity for a variety of reasons including improved recruitment and retention of talented employees, increasing employee productivity and customer satisfaction, and attracting a larger customer base.⁶² A Williams Institute study of corporate motivations behind adopting workplace non-discrimination policies found that 53% of the top companies in the U.S. with LGBT-supportive policies had adopted the policies for economic reasons.⁶³

Academic research has found that LGBT-supportive corporate policies are linked to positive business-related outcomes, including greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes among LGBT employees.⁶⁴ For example, a 2006 national poll found that 89% of LGBT respondents and 72% of non-LGBT respondents reported that when deciding where to work, it was important that an employer have a written non-discrimination policy that includes race, ethnicity, sex, religion, age, sexual orientation and disability.⁶⁵ Research also suggests that employers limit their available talent pool by screening out applicants based on their sexual orientation. One study found that the rate of screening out gay male applicants was twice as high in regions without sexual orientation non-discrimination laws.⁶⁶

Additionally, LGBT-supportive workplace policies can expand opportunities to secure potentially lucrative government contracts for corporate employers. A 2011 study found that 68 local governments had laws requiring contractors to have LGBT-inclusive non-discrimination policies.⁶⁷ A number of states have similar laws that apply to state government contracts.⁶⁸ Without such policies, companies would not be eligible to bid for contracts with these state and local governments.

Many of Kansas's top employers have adopted internal policies that prohibit employment discrimination against LGBT people.⁶⁹ Fifteen of the twenty largest private sector employers in Kansas, including Spirit Aerosystems, Sprint, Cessna Aircraft, Hawker Beechcraft, and General Motors, have adopted internal policies prohibiting discrimination based on sexual orientation and gender identity.⁷⁰ Additionally, all seven public universities in the state have internal policies prohibiting employment discrimination based on sexual orientation,⁷¹ and six of them also prohibit discrimination based on gender identity.⁷²

Public Support for Non-Discrimination Protections for LGBT People

Public opinion in Kansas supports the passage of non-discrimination protections for LGBT people. A 2017 poll conducted by PRRI found that 67% of Kansas residents favor non-discrimination laws that protect LGBT people from discrimination.⁷³ Similarly, in response to a national poll conducted in 2011, 68% of those polled in Kansas said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity.⁷⁴ Another poll conducted by PRRI in 2016 found that 57% of Kansas residents were opposed to policies that would allow small businesses to refuse to serve LGBT people based on religious beliefs.⁷⁵

Administrative Impact of Adding Sexual Orientation and Gender Identity to the Kansas Act Against Discrimination

Complaint Estimate

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

people of color and women, respectively.⁷⁶ However, because the LGBT population is relatively small, the absolute number of sexual orientation and gender identity complaints filed under state non-discrimination laws is low.⁷⁷

The KAAD allows individuals to file complaints with the Kansas Human Rights Commission. We estimate that 31 additional complaints of discrimination would be filed each year if sexual orientation and gender identity were added to the state's non-discrimination law. To reach this estimate, we drew on Gallup polling data and Census data from Kansas to estimate the size of the adult LGBT population and the LGBT workforce in the state, and applied national sexual orientation and gender identity complaint rates to those populations. We have previously used this methodology to estimate the number of complaints that would be filed on the basis of sexual orientation and gender identity in other states.⁷⁸

Data collected through the Gallup Daily tracking survey from 2015 to 2017 indicate that 3.3% of the adult population and 3.7% of the workforce in Kansas identify as LGBT.⁷⁹ Applying the percentages to the number of people in Kansas's adult population (2,200,585⁸⁰) and workforce (1,516,538⁸¹) indicates that there are an estimated 72,600 LGBT adults and 56,000 LGBT workers in the state.

Next, we applied the rate of complaints filed on the basis of sexual orientation or gender identity to the number of LGBT adults and LGBT workers in Kansas to determine how many complaints would be filed annually if these characteristics were added to the KAAD. We used the national average complaint rates from a series of studies that analyzed administrative complaint data from states that prohibited sexual orientation and gender identity discrimination as of 2015.⁸² The studies found that across these states, the average rate of employment discrimination complaints filed on the basis of sexual orientation or gender identity was 4.6 per 10,000 LGBT workers;⁸³ the average rate of housing discrimination complaints was 3 per 100,000 LGBT adults;⁸⁴ and the average rate of public accommodations complaints was 4 per 100,000 LGBT adults.⁸⁵

Applying the national complaint rates to the LGBT population in Kansas suggests that 31 additional complaints of discrimination in employment, housing, or public accommodations would be filed annually if sexual orientation and gender identity were added to the KAAD. More specifically, applying the national complaint rate for employment discrimination (4.6 per 10,000 LGBT workers) to the number of LGBT workers in Kansas (56,000) suggests that 26 complaints of employment discrimination based on sexual orientation or gender identity would be filed annually; and applying the national complaint rates for housing (3 per 100,000 LGBT adults) and public accommodations discrimination (4 per 100,000 LGBT adults) to the number of LGBT adults in Kansas (72,600) suggests that 2 complaints of housing discrimination and 3 complaints of public accommodations discrimination would be filed annually.

Cost of Enforcement

Available data suggest that an additional 31 complaints filed with the Kansas Human Rights Commission each year would not be costly or burdensome to enforce. According to the most recent data available from the Commission (FY 2010-2015), the Commission handled an average of 781 discrimination complaints each year.⁸⁶

The Commission’s reports do not provide enough data to determine the cost of enforcement per complaint, so it is not possible to precisely estimate any added expense associated with the additional 31 complaints. However, the data suggest that the additional complaints would have a minimal impact on the Commission. The annual number of complaints filed with the Commission varied from 747 to 1,044 complaints over the six fiscal year periods from 2010 through 2015.⁸⁷ On average, annual filings from 2010 through 2015 fluctuated by 54 complaints.⁸⁸ This information suggests that an additional 31 complaints would be within the range of normal variation and could be absorbed by the Commission with minimal impact on staff and resources.

Fiscal Year⁸⁹	Number of Complaints	Change in Number of Complaints from Prior Year
2015	747	40
2014	787	66
2013	853	85
2012	938	48
2011	986	58
2010	1,044	27

Conclusion

Documented evidence indicates that LGBT people face discrimination across the country, including in Kansas. There are currently no statewide laws that prohibit discrimination based on sexual orientation or gender identity in Kansas. Adding these characteristics to the Kansas Act Against Discrimination would provide new protections or strengthen existing protections from discrimination to approximately 72,600 LGBT adults, including 56,000 workers, in the state. Based on data from other state administrative enforcement agencies, we estimate that approximately 31 complaints of sexual orientation or gender identity discrimination would be filed in Kansas annually if the law were amended. It is likely that the additional complaints could be absorbed by the Kansas Human Rights Commission with little impact on the staff and negligible costs.

About the Williams Institute

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

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Endnotes

¹ This estimate was reached by applying the percentage of people in Kansas that are LGBT (3.3%) to the population of Kansas aged 18 years and older (2,200,548) and rounded to the nearest 100. Kerith J. Conron & Shoshana K. Goldberg, Williams Inst., LGBT Data & Demographics: Kansas (2019) (forthcoming); American Community Survey, U.S. Census Bureau, American FactFinder, 2017 ACS Table PEPSYASEX: Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2017, 1-Year Estimates, Kansas, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2017_PEPSYASEX&prodType=table.

² This estimate was reached by applying the percentage of people in Kansas's workforce that are LGBT (3.69%) to the number of people in the state's workforce age 16 and older (1,516,538) and rounded to the nearest 100. Analysis of LGBT participation in the workforce by Dr. Shoshana Goldberg under Dr. Kerith Conron's licensing agreement using data from the Gallup Daily Tracking Poll (2015-2017) (on file with authors). Number of civilian employees in Kansas aged 16 and older is available at American Community Survey, U.S. Census Bureau, American FactFinder, 2017 ACS Table DP03: Selected Economic Characteristics, 1-Year Estimates, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_DP03&prodType=table.

³ NATIONAL CENTER FOR TRANSGENDER EQUALITY, 2015 U.S. TRANSGENDER SURVEY: KANSAS STATE REPORT 1 (2017), <http://www.transequality.org/sites/default/files/docs/usts/USTSKSStateReport%281017%29.pdf>.

⁴ *Id.*

⁵ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with author).

⁶ PRRI, American Values Atlas: Kansas, <http://ava.prrri.org/#discrimination/2016/States/trnsdis/m/US-WY> (under dropdown menu for "Select Question" select "Discrimination against gay and lesbian people" or "Discrimination against transgender people;" under dropdown menu for "Select Response" select "Yes;" under dropdown menu for "Year" select "2016").

⁷ A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times, Pew Research Center, June 13, 2013, <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/>.

⁸ Conron & Goldberg, *supra* note 1.

⁹ Estimate is unstable due to insufficient sample size (n<30) and/or 95% confidence interval width as per suppression guidance provided in U.S. Dep't of Health and Human Svcs., Nat'l Center for Health Statistics, *National Center for Health Statistics Data Presentation Standards for Proportions*, 2 VITAL HEALTH STAT. 175 (2017), https://www.cdc.gov/nchs/data/series/sr_02/sr02_175.pdf.

¹⁰ Estimate is unstable due to insufficient sample size (n<30) and/or 95% confidence interval width as per suppression guidance provided in U.S. Dep't of Health and Human Svcs., Nat'l Center for Health Statistics, *National Center for Health Statistics Data Presentation Standards for Proportions*, 2 VITAL HEALTH STAT. 175 (2017), https://www.cdc.gov/nchs/data/series/sr_02/sr02_175.pdf.

¹¹ NATIONAL CENTER FOR TRANSGENDER EQUALITY, *supra* note 3 at 1, 2.

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¹³ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Public Religion Research Institute Survey (2011) (data and calculations on file with author).

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- ¹⁹ *Id.* at 2.
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³⁴ M.V. LEE BADGETT & ALYSSA SCHNEEBAUM, WILLIAMS INST., THE IMPACT OF WAGE EQUALITY ON SEXUAL ORIENTATION POVERTY GAPS (2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-of-Wage-Equality-on-Sexual-Orientation-Poverty-Gaps-June-2015.pdf>.

³⁵ AMIRA HASENBUSH, ANDREW R. FLORES, ANGELIKI KASTANIS, BRAD SEARS & GARY J. GATES, WILLIAMS INST., THE LGBT DIVIDE: A DATA PORTRAIT OF LGBT PEOPLE IN THE MIDWESTERN, MOUNTAIN & SOUTHERN STATES 22 (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-divide-Dec-2014.pdf>.

³⁶ Press Release, Williams Inst., LGBT Americans Face Greater Social and Economic Disparities in the South, Midwest, and Mountain States (Dec. 18, 2014) (available at <http://williamsinstitute.law.ucla.edu/press/press-releases/lgbt-divide/>). In the words of report author Gary Gates: “It’s not just that LGBT people in the Midwest and South are poorer because people in those regions tend to be poorer overall. In some cases the economic disadvantages that LGBT people have relative to non-LGBT people markedly increase in those regions. In others, the advantages that you see for LGBT people in other parts of the country either disappear or reverse.”

³⁷ Conron & Goldberg, *supra* note 1.

³⁸ Estimate is unstable due to insufficient sample size (n<30) and/or 95% confidence interval width as per suppression guidance provided in U.S. Dep’t of Health and Human Svcs., Nat’l Center for Health Statistics, *National Center for Health Statistics Data Presentation Standards for Proportions*, 2 VITAL HEALTH STAT. 175 (2017), https://www.cdc.gov/nchs/data/series/sr_02/sr02_175.pdf.

³⁹ Estimate is unstable due to insufficient sample size (n<30) and/or 95% confidence interval width as per suppression guidance provided in U.S. Dep’t of Health and Human Svcs., Nat’l Center for Health Statistics, *National Center for Health Statistics Data Presentation Standards for Proportions*, 2 VITAL HEALTH STAT. 175 (2017), https://www.cdc.gov/nchs/data/series/sr_02/sr02_175.pdf.

⁴⁰ NATIONAL CENTER FOR TRANSGENDER EQUALITY, *supra* note 3 at 1, 2.

⁴¹ KAN. STAT. ANN. §§ 44-1001 *et seq.* (2017).

⁴² H.B. 2323, 2015-2016 Sess. (Kan. 2015); S.B. 53, 2011-2012 Sess. (Kan. 2011).

⁴³ KAN. STAT. ANN. §§ 44-1001.

⁴⁴ *Id.* § 44-1003.

⁴⁵ *Id.* § 44-1004.

⁴⁶ *Id.* § 44-1005(i).

⁴⁷ *Id.* § 44-1005(e), (f).

⁴⁸ *Id.* § 44-1005(k).

⁴⁹ *Id.* § 44-1019(h), (i).

⁵⁰ WYANDOTTE CTY., KAN., CODE § 18-58 *et seq.* (2018).

⁵¹ LAWRENCE, KAN., CODE §10-109 (2018).

⁵² MANHATTAN, KAN., CODE § 10-17 (2018).

⁵³ Ariel Rothfield, *Prairie Village Passes Non-Discrimination Ordinance*, KSHB.COM, Nov. 19, 2018, <https://www.kshb.com/news/local-news/prairie-village-passes-non-discrimination-ordinance>; Prairie Village, Kan., *Prairie Village Ordinance against Discrimination* (last visited Dec. 19, 2018), <https://www.pvkansas.com/Home/ShowDocument?id=10702>.

⁵⁴ ROELAND PARK, KAN., CODE §5-1201 *et seq.* (2018).

⁵⁵ Calculated by authors using data from American Community Survey, U.S. Census Bureau, American FactFinder, 2013-2017 ACS Table DP03: Selected Economic Characteristics, Five-Year Estimates, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_DP03&prodType=table; American Community Survey, U.S. Census Bureau, American FactFinder, 2013-2017 ACS Table B01001: Sex by Age, Five-Year Estimates, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_DP03&prodType=table.

⁵⁶ LAWRENCE, KAN., CODE §§ 10-104, 10-108.9-.11; MANHATTAN, KAN., CODE §§ 10-18, 10-20, 10-22; Prairie Village, Kan., Prairie Village Ordinance against Discrimination, *supra* note 53 at § 5-804; ROELAND PARK, KAN., CODE § 5-1203; WYANDOTTE CTY., KAN., CODE § 18-58, 18-59, 18-114.

⁵⁷ LAWRENCE, KAN., CODE § 10-108.22.

⁵⁸ LAWRENCE, KAN., CODE § 10-108.15.

⁵⁹ Or, if greater, a civil penalty in the amount of \$500. ROELAND PARK, KAN., CODE § 5-1203.

⁶⁰ MANHATTAN, KAN., CODE § 10-23; Prairie Village, Kan., Prairie Village Ordinance against Discrimination, *supra* note 53 at § 5-804.

⁶¹ *See* WYANDOTTE CTY., KAN., CODE § 18-58 *et seq.*

⁶² *See* BRAD SEARS & CHRISTY MALLORY, WILLIAMS INST., ECONOMIC MOTIVES FOR ADOPTING LGBT-RELATED WORKPLACE POLICIES (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>.

⁶³ *Id.*

⁶⁴ M.V. LEE BADGETT, LAURA E. DURSO, ANGELIKI KASTANIS & CHRISTY MALLORY, THE WILLIAMS INST. UNIV. OF CAL. L.A. SCH. OF LAW, THE BUSINESS IMPACT OF LGBT-SUPPORTIVE WORKPLACE POLICIES (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-LGBT-Policies-Full-Report-May-2013.pdf>.

⁶⁵ Out & Equal, Harris Interactive & Witeck Combs Commc'n, *Majority of Americans: Companies Not Government Should Decide Benefits Offered to Same-Sex Employees*, OUTANDEQUAL.ORG (May 22, 2006), http://outandequal.org/documents/2006_Workplace_Survey052306.pdf.

⁶⁶ Andras Tilcsik, *Pride and Prejudice: Employment Discrimination against Openly Gay Men in the United States*, 117 AM. J. SOC. 586, 590-93 (2011).

⁶⁷ Christy Mallory & Brad Sears, *An Evaluation of Local Laws Requiring Government Contractors to Adopt LGBT-Related Workplace Policies*, 5 ALBANY GOV'T L. REV. 478, 481 (2011).

⁶⁸ For example, California (CAL. GOV. CODE § 12990 (2013)), Delaware (DEL. CODE ANN. tit., 29 § 6962(d)(7) (2013)), and Maryland (MD. CODE ANN., STATE FIN. & PROC. § 19-101 (LexisNexis 2013)), among others.

⁶⁹ Career InfoNet, State Profile: Largest Employers, Kansas, <https://www.careerinfonet.org/oview6.asp?soccode=&stfips=20&from=State&id=11&nodeid=12> (last visited Nov. 6, 2018)(listing Kansas's largest employers).

⁷⁰ Spirit Aerosystems, EEO is the Law, <https://www.spiritaero.com/user/file/EEOisTheLawPoster.pdf>, (last visited Nov. 6, 2018); Sprint, EEO, <https://careers.sprint.com/page/show/eeo>, (last visited Nov. 6, 2018); Cessna Aircraft, Careers, <https://txtav.com/en/careers>, (last visited Nov. 6, 2018); Hawker Beechcraft, Careers, <https://txtav.com/en/careers>, (last visited Nov. 6, 2018); General Motors, Accessibility and Equal Opportunity Employer, <https://search-careers.gm.com/accessibility>, (last visited Nov. 6, 2018); Koch Industries, Careers, EEO is the Law, <https://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf>, (last visited Nov. 6, 2018); Tyson Fresh Meats, Careers, <https://www.tysonfoods.com/careers>, (last visited Nov. 6, 2018); Cargill Meat Solutions, Careers, <https://www.cargill.com/careers>, (last visited Nov. 6, 2018); National Beef Packing, Jobs, [15](https://hourly-</p></div><div data-bbox=)

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⁷² Emporia State Univ., Equal Employment Opportunity, Equal Educational Policy and Non-Discrimination Policy, <http://www.emporia.edu/humres/jobs/equal-opportunity-employer.html> (last visited Oct. 26, 2018); Kansas State Univ., Notice of Nondiscrimination, <http://www.k-state.edu/nondiscrimination/> (last visited Oct. 26, 2018); Univ. of Kansas, Nondiscrimination, Equal Opportunity, and Affirmative Action, <http://policy.ku.edu/IOA/nondiscrimination> (last visited Oct. 26, 2018); Washburn Univ., Staff and Employment Opportunities, <http://www.washburn.edu/campus-life/recreation-wellness/staff-and-employment-opportunities/> (last visited Oct. 26, 2018); Pittsburg State Univ., Equal Opportunity and Affirmative Action Office, <http://www.pittstate.edu/office/eoaa/notice-of-nondiscrimination.dot> (last visited Oct. 26, 2018); Wichita State Univ., Notice of Nondiscrimination, http://webs.wichita.edu/?u=gradschool&p=/notice_of_nondiscrimination/ (last visited Oct. 26, 2018).

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⁷⁴ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Public Religion Research Institute Survey (2011) (data and calculations on file with author).

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⁷⁶ CHRISTY MALLORY & BRAD SEARS, THE WILLIAMS INST., EVIDENCE OF EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Employment-Discrimination-Complaints-2008-2014.pdf>; CHRISTY MALLORY & BRAD SEARS, THE WILLIAMS INST., EVIDENCE OF HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Housing-Discrimination-Complaints-2008-2014.pdf>;

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⁷⁸ See *Discrimination*, THE WILLIAMS INST., <https://williamsinstitute.law.ucla.edu/category/research/discrimination/>.

⁷⁹ Conron & Goldberg, *supra* note 1.

⁸⁰ See note 1, *supra*.

⁸¹ See note 2, *supra*.

⁸² “National average” refers to the average of the complaint rates in the states that provided data for the studies. MALLORY & SEARS, *supra* note 76 (all studies cited). The data gathered for the studies included all discrimination complaints filed on the basis of sexual orientation and gender identity; it was not limited to complaints filed by LGBT people. Heterosexual, non-transgender employees may also file complaints under sexual orientation and gender identity non-discrimination laws if they were discriminated against because of their heterosexuality, gender identity, or because they were perceived to be LGBT. However, we use the LGBT population as the underlying population for purposes of our analysis because LGBT people likely file the vast majority of sexual orientation and gender identity discrimination complaints. See William B. Rubenstein, *Do Gay Rights Laws Matter?: An Empirical Assessment*, 75 S. CAL. L. REV. 66, 79-81 (2001).

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⁸⁶ See data on complaint filings as reported in <http://www.khrc.net/pdf/AR2009.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2010 13 (2010), <http://www.khrc.net/AR2010.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2011 13 (2011), <http://www.khrc.net/AR2011.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2012 11 (2012), <http://www.khrc.net/pdf/AR2012.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2013 11 (2013), <http://www.khrc.net/pdf/AR2013.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2014 11 (2014), <http://www.khrc.net/pdf/AR2014.pdf>; KAN. HUM. RIGHTS COMM., ANNUAL REPORT FISCAL YEAR 2015 11 (2015), <http://www.khrc.net/pdf/AR2015.pdf>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Information provided in this table is from the annual reports of the Kansas Human Rights Commission, *supra* note 86.