

Bad Counsel

Lambda Legal is arguing that no student is entitled to a degree as a school counselor if he or she refuses to follow the American Counseling Association's ethical rules prohibiting discrimination against LGBTQ clients.

Two years ago, the Alliance Defense Fund (ADF), an antigay legal organization based in Scottsdale, Ariz., filed a lawsuit against Eastern Michigan University (EMU) after school officials dismissed Julea Ward from EMU's counselor training program. Ward, who was training to be a counselor in a high school setting, refused to counsel gay or lesbian people about any relationship issues.

ADF also filed suit in July 2010 against Augusta State University in Georgia on behalf of Jennifer Keeton, who also was studying for a master's degree in school counseling. Keeton had expressed her views on sexual orientation and gender identity both in and out of class. According to her suit, Keeton believes sexual behavior is the "result of accountable personal choice." She also believes gender is "fixed in each person at their creation." Augusta State proposed a remediation plan that included reading literature and attending workshops on counseling LGBTQ people.

ADF recently received a gift of \$9.2 million from an anonymous donor "to defend religious speech and expression at universities and colleges." With ADF matching funds, the organization now has a war chest of twice that to pay for a campaign to pressure public universities to eliminate vital protections against discrimination based on sexual orientation or gender identity.

For Lambda Legal, it's clear what the implications of Keeton's and Ward's positions are. In an environment in which homophobic and transphobic bullying persists, young LGBTQ people remain extremely vulnerable, and school counselors might be their only support. Over the last decade, eight students in Michigan are known to have committed suicide because of bullying, often relating to the students' actual or perceived sexual orientations. In Georgia, in 2009, an 11-year-old boy took his own life after his peers embarked on an unrelenting campaign that mixed homophobia with xenophobia. According to Parents, Families and Friends of Lesbians and Gays (PFLAG), 30 percent of all teen suicides



Are young people getting the right support and information?

in the United States are due to issues with sexual orientation and gender identity. The Centers for Disease Control report that suicide is one of the leading causes of death among teenagers.

Keeton's insistence that a person's sexual orientation can be changed, and Ward's refusal to counsel gay people both conflict with the ethical code mandated for counselors by the American Counseling Association (ACA), which was founded in 1952 and sets professional and ethical standards for the counseling profession.

In training people to become school counselors, universities and colleges must act in accordance with the ACA's guidelines or lose accreditation. According to Camilla Taylor, Senior Staff Attorney at Lambda's Midwest Regional Office, "The Alliance Defense Fund wants the court to tell a public university that this kind of antigay conduct is acceptable behavior, even if it risks students' lives. ADF seeks a ruling that Keeton and Ward are entitled to a degree even though they refuse to abide by the ethical rules governing the profession, and even though they intend to go into a high school setting and either deny mental health services to LGBTQ students, or else tell

"THE ALLIANCE DEFENSE FUND WANTS THE COURT TO TELL A PUBLIC UNIVERSITY ANTIGAY CONDUCT IS ACCEPTABLE, EVEN IF IT RISKS STUDENTS' LIVES."

such students that there's something horribly wrong with them."

As stated in Lambda Legal's friend-of-the-court briefs in these two cases, Keeton and Ward, as therapists, would need "to help clients clarify and realize their goals and values, rather than

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Sheryl Teslow and Tauni Waddington

This Lincoln, Nebraska couple supports Lambda Legal through its monthly giving program, the Justice Fund

Sheryl Teslow and Tauni Waddington have been together for 19 years, describing themselves as “as solid a couple as any you could hope to find.” Waddington works as a private practice therapist and serves as the executive director of an adolescent girls group home. Teslow has been a freelance court reporter for 32 years and is a co-owner of a freelance agency. Together, they talk about why they have supported equality as members of Lambda Legal’s monthly giving program, the Justice Fund, for nearly a decade.



“WE HAVE BEEN TOGETHER FOR 19 YEARS, BUT IN OUR HOME STATE, WE ARE LEGALLY STRANGERS.”

Sheryl Teslow and Tauni Waddington

What does the fight for equality mean to you both?

We have been together for 19 years, but in our home state of Nebraska we are legally strangers. We can’t get family health insurance, we can’t file joint tax returns, we can’t inherit as family members—the list goes on and on. We have signed all the documents that we think we need to protect ourselves and our relationship, but we also know there is no guarantee that they will be respected in a time of emergency. We want—we *need* a marriage license that is valid in all 50 states and that is equal in every way to the one our parents had. We want the real thing.

Why do you support Lambda Legal?

Of all of the different types of organizations working for equality, it seems to us that Lambda Legal has the best chance to make tangible progress. Whether it’s DADT or marriage or workplace protections, the courts are where we have made the most progress and Lambda Legal is the one in the trenches doing all the hard work necessary to make it happen. Lambda Legal has been an integral part of most, if not all, the major victories in the LGBT community and we feel it makes the best use of our money.

Why is monthly giving to Lambda Legal an important part of your philanthropic efforts?

We know that raising money is always a difficult process. By committing to a set amount every month we are adding a small degree of certainty in Lambda Legal’s budget process and that’s important to us. It’s important for us to know that our money is being used as effectively as possible.



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prescribe what those goals and values should be.” Greg Nevins, Supervising Senior Staff Attorney in Lambda Legal’s Southern Regional Office, explained, “A counseling session is not a free speech arena; you’re supposed to perform your job in a way that is conducive to a client’s mental health.”

Both Keeton and Ward lost their cases at the district court level, and the cases are currently under appeal. Lambda Legal filed amicus briefs in both cases in support of the schools, on behalf of

PFLAG and the Georgia Safe Schools Coalition (in *Keeton*) and for PFLAG, Gay, Lesbian, and Straight Education Network, Affirmations and the Ruth Ellis Center (in *Ward*).

Ultimately, Lambda Legal argues, the First Amendment does not shield incompetent, unethical and affirmatively harmful performance of one’s profession. Ward and Keeton could, of course, exercise their First Amendment rights and criticize their chosen profession on this issue

and write scholarly articles about the purported benefits of “reparative therapy” and supposed shortcomings of current ethical standards. But as Lambda Legal argues in its brief, withholding counseling, steering clients toward potentially harmful therapies—which Keeton has considered offering students—or proselytizing to clients in a clinical setting are all harmful and unethical practices, and no law requires universities to award degrees or professional licenses for that. **L**