

AFFIDAVIT REGARDING DISCRIMINATION AGAINST THOSE ENGAGED IN AND/OR IDENTIFIED WITH CONSENSUAL NON-MONO GAMY

I, DR. HEATH SCHECHINGER, affirm the truth of the following under the penalties of perjury:

1. I have studied and/or worked in the psychology field for over 17 years, with a special interest in family and relationship structure diversity, including consensual non-monogamy (CNM).
2. CNM is a category of relationship arrangements in which all partners consent to extradyadic sexual and/or romantic relationships. This category includes (but is not limited to) polyamory, swinging, and open relationships.
3. I graduated with a BS in Psychology (2007) and an MEd in Higher Education (2010) from Iowa State University, as well as a PhD in Counseling Psychology from the University of Kansas (2016). I completed my doctoral internship (2016) and postdoctoral fellowship (2017) at UC Berkeley's Counseling and Psychological Services, followed by four years as a Counseling Psychologist at UC Berkeley's University Health Services.
4. I am a counseling psychologist deeply committed to exploring and nurturing the vast spectrum of family and relationship configurations in contemporary society. As the Co-Founder of the Modern Family Institute, and Founding Co-chair of the American Psychological Association's Division 44 Committee on Consensual Non-Monogamy, my focus is on understanding and supporting the varied factors that contribute to a broader and inclusive understanding of relationship dynamics. Leveraging my extensive experience in both research and clinical practice, I aim to enrich our collective understanding into the nuances of human connections.
5. As the Founding Co-chair of the APA Division 44 Committee on Consensual Non-monogamy, I have had the fortune of leading a team of prominent and respected figures in psychology,

sociology, health education, and law, with just over 40 psychologists, researchers, educators, graduate students, and lawyers contributing to our projects. The Committees Initiatives have ranged from conducting CNM research to creating resources for therapists and educators and drafting a special report on consensual non-monogamy that we will be submitting to the American Psychological Association.

6. I have five peer-reviewed publications regarding CNM, including first authorship on the largest study to date addressing CNM clients' experiences in therapy. I am a lead author on multiple APA Division 44 Committee on CNM resources, including the Committee on CNM's Fact Sheet and CNM for Mental Health Professionals Brochure,
7. I am co-leading the drafting of the special report on CNM and was also a lead co-author for the guideline addressing CNM for the American Psychological Association's Practice Guidelines for Lesbian, Gay, and Bisexual Clients.
8. From many hours of study, research, and formal training, I am well versed in the available psychological literature on CNM and have been asked by numerous respected journals to peer review articles in the area.
9. I have been contacted to share my opinions about CNM-related issues for articles in major publications such as The New York Times, BBC, Popular Science, Vogue, and The Guardian, among others.
10. I also serve as Advisor of the Kinsey Institute Library and Special Collections for the Kenneth R. Haslam Collection on Polyamory. My colleagues and I help collect and archive historically relevant stories, artifacts, narratives, and resources regarding consensual non-monogamy.
11. Empirical research indicates that interest and involvement in diverse relationship structures, including CNM, is becoming increasingly common. Recent research indicates that the interest in

engaging in polyamorous relationships in the United States mirrors a surprisingly common and relatable metric: approximately one in six Americans, a proportion comparable to the number of individuals who own a cat, express a desire to explore polyamorous connections. Furthermore, the incidence of Americans who have experienced polyamorous relationships stands at one in nine, equating this with the frequency of Americans attaining a graduate degree, underscoring the considerable presence and potential normalization of such relationship structures within our society. A 2016 study conducted by researchers at the Kinsey Institute also revealed that around one in five respondents reported participation in some form of consensual non-monogamy during their lifetimes, encompassing polyamory, swinging, and open relationships. These statistics not only illuminate the substantial minority of individuals interested in or actively engaging in CNM but also challenge us to rethink and expand our conventional understanding of relationship dynamics in contemporary America.

12. Research indicates that involvement in CNM relationship structures are highly stigmatized. Experimental studies demonstrate that CNM relationships are judged as inferior to monogamous relationships in a number of ways, such as being perceived as less trusting, less meaningful, less satisfying, and as resulting in poorer well-being among individuals involved compared to monogamous relationships. Perhaps even more concerning, individuals engaged in CNM relationships are perceived to be less moral than their monogamous peers. For example, a recent study found that adults in the U.S. anticipated that individuals engaged in CNM relationships would be less likely to take good care of a pet or pay their taxes on time compared to individuals in monogamous relationships.
13. CNM stigma appears to be based on unfounded stereotypes, as research investigating relationship quality among individuals engaged in CNM vs. monogamous relationships has

found equitable levels of relationship quality (e.g., trust, commitment, longevity) and well-being (i.e., the mental health of the individuals involved) across relationship structures. There is a large and growing body of empirical literature that demonstrates that consensual non-monogamy is and should be considered to be an equally valid and viable alternative to monogamy. Additionally, when monogamous individuals are asked to define CNM, they often focus on behaviors (or lack thereof) related to commitment and perceive sex as a requirement in CNM relationship, whereas those actually engaged in CNM report definitions focused on potential new ways of relating, emotions, and ethics as well as the non-centrality and optional aspects of sex and report motivations for engaging in CNM other than sexual activity or interest like individual and relational well-being and need fulfillment like autonomy support, beliefs and value systems, relationality, sexuality, personal growth, and pragmatism. In sum, the data collectively challenges the stereotype that individuals primarily engage in consensual non-monogamy for sexual motivations or to avoid commitment. While sex may be an important aspect of consensual non-monogamy for many, it does not appear to be the predominant priority for the majority choosing this type of relationship.

14. Contrary to some beliefs that consensual non-monogamy (CNM) may adversely affect children and family dynamics, current empirical research presents a different narrative. Studies consistently demonstrate that children raised in CNM family structures exhibit outcomes that are comparable to their peers from monogamous families in terms of emotional, social, and academic development. This parity suggests that the well-being of children is influenced more by the quality of care, love, and support they receive rather than the specific family configuration. Moreover, a notable body of psychological research and firsthand accounts from families involved in CNM highlight the potential advantages of such arrangements, including the

presence of additional caregivers. This expanded support network can enrich a child's life with diverse perspectives, emotional support, and practical assistance, embodying the adage that "it takes a village to raise a child." By providing a nurturing environment built on mutual care and respect, CNM families demonstrate the capacity to meet the developmental needs of children effectively. These findings challenge the baseless stigma surrounding CNM and affirm the diversity of healthy, supportive family structures capable of fostering child well-being.

15. The discourse surrounding consensual non-monogamy transcends traditional partisan divides, illustrating that the conversation about diverse relationship structures is not confined within political boundaries. Despite common perceptions that align the CNM community with more liberal ideologies, empirical evidence suggests that political affiliation does not serve as a reliable indicator of one's engagement in or support for CNM. Data from representative samples reveal a balanced distribution across the political spectrum, with equitable percentages of individuals identifying as Republicans and Democrats alike having participated in CNM relationships. This diversity underscores the universal relevance and appeal of CNM, highlighting its presence across various segments of society regardless of political leanings. By acknowledging the nonpartisan nature of CNM, we can foster a more inclusive and respectful dialogue that focuses on the shared human experience of forming meaningful connections, rather than allowing it to become mired in ideological divisions. Recognizing CNM as a topic that transcends political affiliations emphasizes the importance of approaching discussions on family and relationship diversity with an open mind, focused on mutual understanding and respect for individual choices.
16. In the face of contemporary societal challenges, such as widespread loneliness and shrinking social networks, the exploration of consensual non-monogamy and other pluralistic family and

relationship structures presents an opportunity to rethink and strengthen our communal support systems. These diverse family structures offer viable solutions for creating extended networks of care, empathy, and mutual support, essential for individual well-being and societal health. By fostering an environment where diverse relationship models are recognized and valued, we can address the foundational human need for connection and support, bridging gaps within our communities. The embrace of CNM, therefore, is not merely a personal or isolated phenomenon but a potential catalyst for societal resilience and communal well-being, demonstrating the strength found in diversity and the power of inclusive support networks.

17. Our society is at a pivotal moment, necessitating a thoughtful reevaluation and adaptation of our policies, practices, and social norms to reflect the diverse realities of modern family and relationship structures. The prevailing emphasis on traditional nuclear family models does not fully capture the complexity and richness of human relationships today. To build a truly inclusive and supportive society, it is critical that we advocate for and implement research-informed policies that acknowledge and protect the wide array of relationship dynamics, including those within the CNM community. Moreover, a shift in social norms towards greater acceptance and understanding of relationship diversity is essential. Such transformations will not only affirm the legitimacy of all relationship types but also contribute to a more empathetic, open, and cohesive society. Embracing this broader perspective on relationships encourages a more harmonious coexistence, where every individual feels seen, respected, and valued, regardless of how they choose to form connections and families.

18. Recent empirical studies have begun to uncover the parallels in stigma and discrimination experienced by individuals in the consensual non-monogamy (CNM) and LGBTQ communities. These converging experiences encompass a range of societal challenges, including the anxiety

and potential repercussions associated with disclosing one's relationship orientation or sexual identity, discrimination in legal contexts such as marriage, adoption, custody, and parental rights, as well as adverse impacts on familial relationships and the internalization of societal stigma. Such stigma can lead to significant obstacles in accessing professional support and social networks, alongside facing discrimination in housing and the workplace. Furthermore, research indicates a notable intersection between the LGBTQIA+ community and CNM practices, with a higher propensity for engagement in CNM among LGBTQIA+ individuals compared to their heterosexual counterparts. Specifically, approximately 45% of bisexual men and 32% of gay men have reported participating in CNM arrangements, in contrast to 25% of heterosexual men. In a similar vein, 35% of bisexual women and 21% of lesbian women have engaged in CNM, compared to 16% of heterosexual women. These statistics not only highlight the diverse expressions of relationships within the LGBTQIA+ community but also emphasize the importance of recognizing and addressing the shared challenges faced by individuals across these spectrums. Understanding these overlaps is crucial for developing more inclusive, supportive, and equitable social and legal frameworks that acknowledge and protect the diversity of relationship structures and identities.

19. "*Minority stress*" is a critical concept in understanding the unique pressures faced by marginalized groups, defined as the heightened stress stemming from prejudice and discrimination. This stress is not merely situational but pervasive, contributing to a higher prevalence of mental health issues among these populations, such as increased rates of depression and anxiety. Recent empirical studies have extended this framework to include individuals engaged in consensual non-monogamy, revealing that they, too, encounter minority stress with significant implications for their well-being. This minority stress manifests through

societal stigma, discrimination, and misunderstanding, contributing to adverse mental health outcomes among those in CNM relationships.

20. Some individuals have argued that the decision to engage in a CNM relationship is a choice and as such, is not deserving of legal protection. In the LGBTQ field, human rights activists initially invoked the concept of immutability (*i.e.*, being innate and unchangeable) as a method of persuading the courts that LGBT individuals were deserving of legal protection. Sexual Configurations Theory considers desire for and engagement in CNM to be an inherent part of individuals' identity and sexual orientation just as much as their attraction to gender/sex assigned at birth and embracing one's engagement in CNM reflect many elements of key models of sexual identity, including stages of confusion and synthesis. Still other established identity psychologists consider relationship orientation to be a separate construct which captures interest in and engagement in CNM and regard it as an equally immutable aspect of identity separate from sexual orientation. These frameworks are not mutually exclusive and allow psychologists to consider CNM as both a part of sexual orientation *and* as a separate but related construct of relationship orientation. Regardless of whether CNM is determined to be innate, immutability is not, and should not, be a prerequisite for protection from discrimination. For example, religion and marital status are both protected classes and neither is strictly immutable. In response to evidence that sexual orientation may be more changeable than previously thought, gay rights activists have persuaded many courts to develop a new understanding of immutability. As Yale Law Professor Jessica Clarke writes: *"Many courts now ask, 'not whether a characteristic is strictly unchangeable, but whether the characteristic is a core trait or condition that one cannot or should not be required to abandon.' Or, as another judge put it, 'immutability' may describe those traits that are so central to a person's identity that it would be abhorrent for government to*

penalize a person for refusing to change them, regardless of how easy that change might be physically.” This principle clearly applies to the CNM community as the available research demonstrates that many perceive CNM as a central aspect of their identity.

21. Emerging research sheds light on the profound impact stigma has on individuals within the consensual non-monogamy community, revealing a landscape marked by significant discrimination and its attendant consequences. Recent studies indicate that over half of individuals who identify with CNM have encountered discrimination directly related to their relationship status in various spheres of life, including in healthcare settings, within housing markets, and in the workplace. This discrimination not only underscores the tangible effects of societal stigma but also highlights the strategies individuals employ to navigate these challenges, with a significant number reporting that they conceal their CNM status as a protective measure.
22. Current research highlights a significant challenge within the consensual non-monogamy community: the reluctance to disclose CNM status due to the anticipation of stigma, including fear of judgment and discrimination. This phenomenon, known as "anticipated stigma," has been documented across various domains. The body of evidence suggests that anticipated stigma can have deleterious effects on both mental and physical health, exacerbating stress and contributing to a decline in overall well-being.
23. From a clinical perspective, the impact of anticipated stigma is further compounded by a notable gap in professional knowledge and training regarding CNM. Despite increasing visibility and discussion of diverse relationship structures, it remains uncommon for therapists and mental health professionals to receive specialized training on the nuances of CNM. This educational shortfall continues to lead to encounters with stigmatizing attitudes and practices within therapeutic settings.

24. The consequences of hiding one's CNM status due to fear of stigma are profound. Concealment places an added psychological burden on individuals, intensifying stress and potentially leading to deteriorations in mental health and relationship dynamics. This scenario underscores the critical need for systemic interventions aimed at reducing CNM-related stigma and discrimination. By enhancing the professional training of therapists and mental health clinicians regarding CNM, we can begin to address these challenges more effectively. Such efforts would not only improve therapeutic outcomes for individuals engaged in CNM but also contribute to a broader societal shift towards greater acceptance and understanding of relationship diversity.
25. The call for an intersectional perspective on minority stress is growing louder within the psychological community. Such an approach recognizes the complex, overlapping identities individuals may hold, including their relationship structures, sexual orientation, gender identity, race, and more. By examining the experience of minority stress through an intersectional lens, researchers have begun to document the nuanced ways in which individuals engaged in CNM navigate and are impacted by these societal pressures. This body of research underscores the importance of developing support systems, therapeutic practices, and policies that are attuned to the specific challenges faced by those in CNM relationships. Acknowledging the reality of minority stress for individuals in CNM arrangements is a crucial step toward fostering a more inclusive, understanding, and supportive society. It calls for a concerted effort from psychologists, policymakers, and communities to address the structural and interpersonal sources of discrimination, aiming to mitigate the negative health outcomes associated with minority stress. By doing so, we can contribute to the well-being of all individuals, regardless of how they choose to form relationships and families.

26. Incorporating legal measures to protect against discrimination based on family and relationship structure in essential areas such as housing, healthcare, and employment is an essential step toward addressing systemic biases faced by those in consensual non-monogamy and other diverse family and relationship configurations. Such legal frameworks would not only provide immediate safeguards for individuals experiencing discrimination but would also play a crucial role in driving societal progress toward recognizing and affirming the validity of diverse family and relationship models. The establishment of these protections would work to dismantle existing discriminatory barriers, contributing to the development of a more inclusive society that values and respects the full spectrum of healthy family and relationship structures that exist today. Implementing these ordinances would significantly advance the normalization of CNM by reducing the pressure on individuals to conceal their relationship status, thus alleviating the psychological stress associated with such concealment. By advocating for these legal protections, we emphasize the importance of evidence-based policy making in promoting equity and inclusivity, ensuring that family and relationship diversity is acknowledged and protected within our legal and social frameworks.

27. In my clinical practice I have engaged with more than 200 individuals who are either in or exploring a diverse relationship structure. Through this extensive experience, I have observed firsthand that individuals engaged in CNM share many of the same core aspirations and desires as those in monogamous relationships. My clinical observations are supported by research conducted by my colleagues and me, which indicates that individuals in CNM relationships seek similar foundational elements in their connections, including trust, love, commitment, a sense of belonging to family or community, reassurance, relational and sexual fulfillment, and effective communication. These findings illuminate the commonality of human needs across different

relationship structures. However, individuals in CNM relationships often navigate additional societal challenges, including the invalidation of their relationship choices and the stigma associated with non-monogamy. Despite facing these obstacles, the primary desire among the CNM community is not for special privileges but for recognition, acceptance without judgment, and equitable protection from discrimination. This underscores the universal longing for respect and understanding in how individuals choose to form and nurture their relationships. By acknowledging these shared needs and advocating for an inclusive approach, we can contribute to a more accepting and supportive societal framework for all relationship orientations.

Conclusions

28. The wealth of empirical evidence coupled with nuanced clinical insights clearly indicates that individuals engaged in consensual non-monogamy (CNM) face significant challenges, including adverse mental health outcomes directly attributable to stigma and discrimination. This stark reality underscores an urgent need for the development and implementation of comprehensive, inclusive policies aimed at safeguarding the rights and well-being of the CNM community.
29. Furthermore, in the context of contemporary societal issues like pervasive loneliness and the diminishing size of social networks, the exploration and acceptance of CNM and other diverse family and relationship structures emerge as a viable response. These models have the potential to reinforce our communal support systems by establishing expansive networks of care, empathy, and mutual assistance, which are crucial for individual and societal well-being. Recognizing and valuing a variety of relationship structures addresses the fundamental human need for connection and support, thereby bridging community gaps. Thus, support for CNM transcends personal relevance, positioning itself as a potential element in supporting societal resilience and collective

well-being. It highlights the importance of diversity and inclusivity in cultivating strong, supportive networks.

30. Advancing legal protections for the CNM community is an imperative step not only for the protection of individual rights but also as a strategy for public health improvement and societal advancement. By enacting evidence-based policies that acknowledge and protect the diversity of human relationships, we move towards a more equitable and inclusive society. These measures are crucial for the CNM community's well-being and serve as a catalyst for a broader cultural shift towards recognizing and validating all forms of relationships. In doing so, we acknowledge the critical role that diverse family and relationship models play in meeting the universal need for connection, thereby fostering a more interconnected, resilient, and inclusive community. This approach, grounded in bipartisanship, neutrality, and scientific evidence, ensures a comprehensive and respectful consideration of all relationship structures, promoting a healthier, more supportive society for all.

31. I am available for testimony about the foregoing in City Councils and legislatures considering non-discrimination ordinances.

32. These views are my own and I am not speaking on behalf of any organization or group of which I am a part.

33. Under the penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Duly Affirmed: November 22, 2020

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