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OVERVIEW

• Legal Landscape
• Facilities
• Housing
• Records
• Health Services

• Greek Life
• Athletics
• Training
• Best Inclusive Practices
• Other Resources
TERMINOLOGY

- **Sex assigned at birth**: the assignment and/or classification of people as male/female/etc. at birth based on their anatomy.
- **Cisgender**: Someone who identifies as the sex they were assigned at birth.
- **Gender Identity**: one’s inner sense or identification as being female, male, neither, or both.
- **Gender Expression**: the physical expression and/or manifestation of one’s gender identity through clothing, hairstyle, voice, etc.

Source: Transstudent.org
• Transgender describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth.
NON-BINARY

• Any gender identity which does not fit into the male and female binary.
• Non-binary people may identify as androgynous, intergender, or agender.
• Non-binary people may also identify as transgender, transsexual.
According to a 2011 National Transgender Discrimination Survey, conducted by the National Gay and Lesbian Task Force and the National Center for Transgender Equality examining higher education experience:

- 35% Reported harassment and bullying by students, teachers and staff
- 5% Reported physical assault
- 3% Reported sexual assault
- 2% Reported expulsion due to their gender identity and expression
5 Ways to Make Schools Safer for LGBTQ Students

1. Speak Out
   Be an activist! Speak out when someone says something discriminatory towards the LGBTQ community.

2. Start a GSA/QSA:
   Having a safe space for queer students at school can save LIVES.

3. Educate Your Teachers:
   A teacher who simply knows about being LGBTQ can make a world of difference for students who are gender and sexual minorities. Schedule a conference with your teacher or speak at faculty meeting days about LGBTQ issues.

4. Host an LGBTQ Panel
   Panels allow students and staff to directly ask important questions to people who can educate them.

5. Introduce a Trans-Inclusive Policy:
   Trans-friendly policies set fair guidelines for school staff members who may not know what to do otherwise. Learn more at transstudent.org/policy

For more information, go to transstudent.org/graphics

IT GETS BETTER PROJECT

2011 GLSEN National School Climate Survey

Infographic by Landyn Pan
LEGAL LANDSCAPE
2010 DCL on Bullying
• “Title IX does protect all students, including lesbian, gay bisexual, and transgender (LGBT) students, from sex discrimination”

2011 DCL & 2014 Q & A on Title IX and Sexual Violence
• Gender-based harassment
• Hostility based on sex or sex stereotyping
2016 DCL on Transgender Students

- Interpreted “sex” under Title IX to extend to gender identity.
- Required that schools not treat a transgender student differently from the way it treats other students of the same gender identity including areas like:
  - Housing, restrooms, locker rooms, etc.
  - In essence, required that students be allowed to access above consistent with their gender identity
- In essence, required that colleges treat students consistent with their gender identity, including access to sex-segregated facilities.

2017 DCL

- OCR withdrew its 2016 DCL on Transgender Students citing:
  - 2016 guidance did not contain any “extensive analysis” on how “on the basis of sex” under Title IX extends to gender identity
  - Interpretation has resulted in extensive litigation
  - Formal rulemaking did not occur
  - Nationwide injunction of 2016 guidance
  - “Due regard for the primary role of the States and local school districts in establishing educational policy”
- Maintains that “all schools must ensure that all students, including LGBT students, are able to learn and thrive in a safe environment.”
4th Circuit Court of Appeals initially held that, “Department of Education’s letter interpreting its Title IX regulation permitting schools to provide sex-segregated bathrooms, in which Department instructed that schools must treat transgender students consistent with their gender identity if they provided sex-segregated bathrooms, was entitled to deference.”

**BUT:** In light of the withdrawal of the DOE guidance from which decision was based, the U.S. Supreme Court vacated and remanded case back to 4th Circuit.
In April 2017, the Fourth Circuit issued an order granting an unopposed motion to vacate the preliminary injunction based on the Supreme Court’s decision earlier this year not to hear the case.

The injunction had enabled Gavin Grimm to use the restroom that corresponded with his gender identity.

Gavin graduated from high school in June 2017.
• The concurring opinion cites Dr. King, stating, “the arc of the moral universe is long, but it bends toward justice.”

• Further, the opinion states:
  • “G.G.’s case is about much more than bathrooms. It’s about a boy asking his school to treat him just like any other boy. It’s about protecting the rights of transgender people in public spaces and not forcing them to exist on the margins. It’s about governmental validation of the existence of experiences of transgender people, as well as the simple recognition of their humanity. His case is part of a larger movement that is redefining and broadening the scope of civil and human rights so that they extend to a vulnerable group that has traditionally been unrecognized, unrepresented, and unprotected.”

• The Fourth Circuit was scheduled to hear oral arguments in September; however, as Grimm graduated, the case was remanded to the district court to determine if the matter is moot.
On June 6, 2017, the OCR issued the following field instructions to regional directors:

“OCR should rely on Title IX and its implementing regulations, as interpreted in decisions of federal courts and OCR guidance documents that remain in effect, in evaluating complaints of sex discrimination against individuals, whether or not the individual is transgender.”
OCR INSTRUCTIONS TO THE FIELD RE COMPLAINTS INVOLVING TRANSGENDER STUDENTS

• Areas where OCR may assert jurisdiction and open an investigation:
  • “failure to promptly and equitably resolve a transgender student’s complaint of sex discrimination”
  • “failure to assess whether sexual harassment (i.e. unwelcome conduct of a sexual nature) or gender-based harassment (i.e. based on sex stereotyping, such as acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, such as refusing to use a transgender student’s preferred name or pronoun when the school uses preferred names for gender-conforming students or when the refusal is motivated by animus toward people who do not conform to sex stereotypes) of a transgender student created a hostile environment”
OCR INSTRUCTIONS TO THE FIELD RE COMPLAINTS INVOLVING TRANSGENDER STUDENTS

- Areas where OCR may assert jurisdiction and open an investigation:
  - “failure to take steps reasonably calculated to address sexual or gender-based harassment that creates a hostile environment”
  - “retaliation against a transgender student after concerns about possible sex discrimination were brought to the recipient’s attention”
  - “different treatment based on sex stereotyping (e.g., based on a student’s failure to conform to stereotyped notions of masculinity or femininity)”
WHITAKER V. KENOSHA UNIFIED SCHOOL DISTRICT

• The 7th Circuit determined that Ash Whitaker was likely to succeed on his Title IX claim. This was based on the sex-stereotyping theory of sex discrimination which was brought fourth in Price Waterhouse v. Hopkins case.

• The 7th Circuit also determined that Ash was likely to succeed on his equal protection claim based on the determination that the School District's policy is “inherently based upon sex-classification.”

“I am thrilled that the Seventh Circuit recognized my right to be treated as the boy that I am at school. After facing daily humiliation at school last year from being threatened with discipline and being constantly monitored by school staff just to use the bathroom, the district court's injunction in September allowed me to be a typical senior in high school and to focus on my classes, after-school activities, applying to college, and building lasting friendships.”

“As I look forward to college next year, I hope my case will help other transgender students in Kenosha and elsewhere to just be treated the same as everyone else without facing discrimination and harassment from school administrators.” Ash Whitaker

Source: Transgenderlawcenter.org
LEGAL LANDSCAPE

Other sources to consider:
- College policy???
- State law???
NON-DISCRIMINATION POLICY

• Does your non-discrimination policy include:
  • Gender identity
  • Gender expression
  • Sexual orientation
Erica Jones is a student who was assigned female at birth and is about to start college at your institution as a freshman. Erica does not identify as female and has made the decision to transition to living as a man and will begin using the name Eric Jones on campus. Eric has several concerns about being a transgender student on your campus. He is worried he won’t be able to find safe and welcoming housing, that without legally changing his name he will be unable to use the name Eric, and that he will be outed to his parents who he hasn’t yet told he is transitioning. Additionally, he wants to know about finding gender neutral bathrooms and other facilities on campus and about finding medical care that is trans sensitive and skilled in treating trans patients at your institution.
FACILITIES

• Gender neutral v. gendered facilities
  • Important to keep gendered facilities as well as gender neutral that might be the most comfortable option for some
• Think about locations and avoid “dead zones” on campus
• How will members of your community know about where to find your facilities?
  • Maps of the campus
  • Signage – identify spaces not bodies
Restroom

All Gender Restroom

Gender Neutral Restroom

We don't care about your gender; just wash your hands.
Renovation projects and new construction are often a perfect time to convert facilities into single stall gender neutral facilities or multi-stall gender neutral facilities. However, take note of any pertinent state law related to facilities.

Often state law will dictate how many men’s and women’s rooms you’re required to have in each building or on each floor. Work with your architect to determine solutions or petition for exceptions. (Ex. Yale)

Some states are mandating gender neutral bathrooms. (CA)
FACILITIES
FACILITIES

• Regardless of whether you have gender neutral bathrooms, if your policy prohibits discrimination based on gender identity or expression then trans and non-binary students should be able to use the bathroom that conforms to that gender identity.

• Be aware of any potential conflicts with state law. (i.e. NC, HB 142)
FACILITIES

- Be proactive about addressing any “bathroom policing”
- This can include:
  - Training on the policy for key players on campus like building managers and public safety
  - Publicizing your non-discrimination policies and how it applies to bathroom
  - Signage
FACILITIES

UCLA RECREATION’S INCLUSION STATEMENT

In keeping with the University’s policy of nondiscrimination, UCLA Recreation supports and values an individual’s right to access and utilize recreation facilities, restrooms, showers, changing rooms, locker rooms, programs, and services in accordance with an individual’s gender identity and gender expression. No person shall be denied access based on their gender identity or gender expression.

UCLA Recreation’s policy on inclusion can be viewed by visiting www.recreation.ucla.edu/inclusion. Questions regarding our inclusion policy can be directed to Kathleen Salvaty, Title IX Coordinator at 310-206-3417.
FACILITIES

• Ensure you have private or gender neutral facilities in your on-campus housing. Particularly if you are offering gender neutral housing options.

• Ex. Think about including one gender neutral or private bathroom with shower facilities on each floor in your housing to ensure close proximity for those who need them.
FACILITIES

Source: Hidden Figures 20th Century Fox
GENDER?

IF YOU’RE OUT IN PUBLIC AND YOU CAN’T FIGURE OUT A STRANGER’S GENDER, FOLLOW THESE STEPS:

1. DON’T WORRY ABOUT IT.

CREDIT: @EMOPRETEEN TWITTER

THE TRANSCENDING GENDER PROJECT

WWW.TR ANSCENDINGGENDER.ORG
FACILITIES

• Locker rooms are often less pressing than bathroom access as many students choose to change and shower at home or in their dorms
• Look to renovations and new construction as the ideal time to add single stall locker room facilities or other private locker room facilities
• Gender neutral locker room facilities should not be a requirement for trans and non-binary members of your community but private facilities available for everyone to use if they prefer to change or shower in private
HOUSING

• Housing options
• Who will be involved and the main point person?
• How will the information be made available?
• Assignments
  • Gender identity?
  • Sex assigned at birth?
  • Options in the housing application
• Accommodate the student’s needs
• Options, options and more options

Source: Trans Student Educational Resources
http://www.transstudent.org/modelfouryearpolicy.pdf
• Housing options
  • Gender inclusive housing (not gendered to male or female)
  • Living learning communities
  • Assignment based on gender identity where there is gendered assignments
  • Strive to give the students more housing flexibility and options
HOUSING

• Housing application
  • Allow for students to self-identify their gender identity (e.g., blank space for student to type in their gender identity or options for student to check all that apply)
  • Consider asking students for their roommate or housing preference (e.g., male, female or gender inclusive housing)
• Ithaca College has a customized process by which Res Life and the LGBTQ Center work together to accommodate their students (form or conversation)
  • Form: Transgender Housing Request:
    http://www.ithaca.edu/sacl/reslife/guide/room_selection_programs/special_accommodations/
  • Asks for general information such as class standing (e.g., first year, new transfer, continuing student), hall preference, room configuration preference (e.g., single, double, private bathroom, female floor, male floor, coed-by-door), do you have a roommate identified (if yes, name, college ID and signature), if no roommate and person is requesting a double or triple, gender of roommate preference.
HOUSING

- Housing assignments
  - Consider allowing upper-class AND first year students to live with whom they choose
  - Consider available opportunities and creating new opportunities for first-year students meet and identify roommates (on-line or in person events)
  - Provide priority to any single room request and do not charge the single rate
  - All gender floor

EXAMPLE LANGUAGE

_ floor(s) of _

Hall are designated as gender-neutral housing. Students living in these halls will not be segregated by gender or sex.

Source: Source: Transstudent.org
RECORDS

• Allow students to designate their:
  • Gender identity
  • Pronouns
  • “Campus name” or “preferred name” even if they haven’t legally change their names
COMMON PRONOUN AND GENDER OPTIONS

Institutions where students can select pronoun
- Can select (10.30%)
- Cannot select (89.70%)

Institutions where students can select gender
- Can Select (49.10%)
- Cannot Select (50.90%)

Common Pronoun and Gender Options

He/Him
She/Her
They/Them
Xi/Xir
Ze/Zir/Zim
Zhe/Zhim

Male
Female
Transgender Male
Transgender Female
Transsexual Male
Transsexual Female
Nonbinary
Agender
Other

RECORDS

- Where will preferred name/gender/pronoun be used?
  - Rosters
  - IDs
  - Transcripts
  - Diplomas
  - Student health records
- Beware of conflicts with state law and when your records will be considered a legal document
RECORDS

• State Law requirements for legal documents and reporting

• Training
  • Train your community on what to do when an optional field conflicts with other information in a student’s record to avoid misgendering your students

• Outing Students
  • The campus v. “what goes home” options
Your record system

- Many systems like Banner have existing fields that can be repurposed
- Other systems will allow you to customize your fields for a fee
- Otherwise, you can create homegrown models but this will increase manpower at every level
• How will students elect their pronouns/gender/names?
  • Online system allowing self-registration
  • Online applications for admission
  • Application to registrar
  • To faculty
  • Upon application for graduation
  • Upon application for transcript
STUDENT HEALTH

• It is crucial that student health services are at minimum knowledgeable about the medical needs of trans and non-binary students and provide sensitive care.

• Ensure medical staff are trained in being sensitive and respecting the gender identity of students whose anatomy may not conform to their gender identity. Ex. male student who receives pap smears through student health services should not be called “she”
• Health Insurance
  • Does your insurance cover trans specific health issues?
    • Hormone therapy
    • Facial feminization surgery
    • Tracheal shaves
    • Hair removal
    • Top surgery
    • Gender reassignment surgery
• You’re the client! Advocate for better coverage
STUDENT HEALTH

- Access
  - Consider the kinds of care you’re equipped to provide
  - If you can’t provide care in on-campus health centers, develop relationships with care providers and be able to make referrals
  - If you’re part of a multi-campus system, can a sister campus provide care?
• Mental Health
  • Ensure you have counselors and providers either on-campus or in the community that can provide sensitive care for your trans and non-binary community
  • If you have a large trans or non-binary community, support groups, peer counseling or other measures can be useful to address feelings of isolation
  • If you don’t have the ability to provide trans specific mental health care on campus, develop partnerships in your community
  • Also be aware of national resources like the Trevor Project available to your trans students for their support
GREEK LIFE

- Traditionally this is an area that has been left to the Greek houses which has created many grey areas:
- Most Greek houses have policies that are silent on the definition of “man” or “woman”
- Most Greek houses have policies that are also silent on addressing the issue of trans individuals pledging their houses or the status of students who transition while members.
There have been promising moves from the Greek organizations toward inclusion (ex. Tufts and Alpha Omicron Pi)

As of 2016, for example, 3 major national sororities have formal express policies that they welcome trans members:

- Delta Gamma
- Sigma Sigma Sigma
- Kappa Kappa Gamma

Your policies should still apply even if Title IX doesn’t

Don’t be afraid to lead the conversation: offer training to your Greek houses on inclusivity
ATHLETICS

• **Collegiate Sports** (i.e. National Collegiate Athletic Association (NCAA), National Junior College Athletic Association (NJCAA), National Association of Intercollegiate Athletics (NAIA))
  - *NCAA Inclusion of Transgender Student-Athletes*, August 2011, NCAA Office of Inclusion
  - *Champions of Respect*, 2012, NCAA Office of Inclusion
ATHLETICS

• NCAA Guidelines
• NCAA Best Practices

“This institution allows transgender students to train on intercollegiate teams in accordance with their gender identity regardless of which team they compete for without any penalty to the transgender student athlete’s position on the line-up or play time.” Source: Transstudent.org

• Recreational Club Sports/Intramurals

“This institution allows transgender studies or club sports in accordance with their gender identity regardless of sex assigned at birth, medical status, or legal documentation.”

“This institution allows transgender students to participate in intramural sports and train for intramural sports in accordance with their gender identity regardless of sex assigned at birth, medical status, or legal documentation.” Source: Transstudent.org
TRAINING

- Key Groups
- Res Life
- Public Safety
- Counseling
- Health Services
- Admissions
- Senior Leadership
- HR
- Registrar
- Library
- Faculty
TRAINING

• Content
  • Terminology
  • General cultural competency
  • Knowledge about the trans experience
  • Applicable policies, procedures and resources (e.g., housing, facilities, non-discrimination)

• Strive for continual training and developing a train-the-trainer or co-facilitator model
TRAINING RESOURCES


• **Transgender Training Institute**
  
  “Supporting Transgender Individuals & Communities Through Excellence in Education & Training”
  
  “The Transgender Training Institute (TTI) provides training and consulting services that are informed/provided by transgender people, for the benefit of transgender people and communities. Their services include: ‘expert facilitation of transgender-related professional development trainings, keynote speaking, creation of customized curricula, technical assistance and training of trainers/facilitators (TOTs).’”

• We are not affiliated with or endorsing these products. We are simply providing them as a resource for your information only.
INCLUSIVE PRACTICES

Remember Maslow’s Hierarchy of Needs

Source: Saul McLeod
https://www.simplypsychology.org/maslow.html
INCLUSIVE PRACTICES

• Campus Pride Index
• Taskforce
• Student involvement and leading initiatives
• Curriculum
• LGBTQ Resource Center
  • If resources not available for a center, at least have information centrally available on one webpage with an identified point person or office
INCLUSIVE PRACTICES

• Review your policies, procedures and practices
  • Non-discrimination policy
  • Records or name change/pronoun policy or procedures
• Publicize your policies
INCLUSIVE PRACTICES

• Include the voices of your trans and non-binary community “no decision about me without me”
  • Membership on task forces
  • Trainings
  • Listening sessions
Eric was most concerned about housing as he is about to move on-campus. He googled “trans housing + your university” and was taken to the LBGT resource page and found the contact information for the staff member in residence life and they identified a great roommate match for him and room in the university’s gender neutral housing.

When he got to campus, Eric could log onto myuniversity.com and change his gender, pronoun, and name in university records. Moreover, he was able to elect that any mail being sent home still say “Erica Jones” until he tells his parents about his transition.
On the LGBT resource page, Eric also found a map and list of all gender neutral bathrooms on campus. However, he found that he didn’t really need it as there was a gender neutral bathroom clearly labeled in all major campus buildings and the staff in the buildings were able to tell him where they were. Eric only used the gender neutral bathrooms initially but over time felt more comfortable using the men’s restroom and he knows that is expressly allowed under university policy. Another student once questioned why he was in the men’s room and called Public Safety but when the officer arrived he educated the student who called on the bathroom policy and that each student can use the bathroom that conforms to their gender identity.
Eric was interested in meeting other LGBT students and has found the LGBT Center a great resource and regularly attends their social functions.

Eric was hoping to use the student health center for all his medical needs. However, as you only have a small health center on campus that is really only equipped to deal with routine care that wasn’t possible. However, he found the health center staff to be sensitive and always willing to help him find care. The staff made referrals for him to a doctor in the community who can address his medical needs. The health center is also looking at expanding their services so that they may offer trans specific health care in the future. Eric also initially found being far from home and transitioning away from friends to be difficult and began to experience anxiety. He shared his struggles with the director of the LGBT Center who was able to refer him to a counselor at the on-campus counseling center who has had training and experience in treating LGBT youth and he found that very helpful.

By his junior year, Eric is thriving at the university and wants to get more involved. He therefore decides he’d like to serve as a student representative on the campus wide LGBT task force.
HELPFUL RESOURCES

• Consortium of Higher Education LGBT Resource Professionals
  • The Trans Policy Working Group created a valuable resource guide on Suggested Best Practices for Supporting Trans* Students, which is available at: http://www.lgbtcampus.org/suggested-best-practices-for-supporting-trans--students

• Trans Student Educational Resources (TSER)
  • Provides a host of resource organized by educational use, services, medical, legal, and informational, and is available at: http://www.transstudent.org/sites
  • Also includes a comprehensive model policy on key areas of campus life, and is available at http://www.transstudent.org/modelfouryearpolicy.pdf
THANK YOU