

PCLGBTC Transgender Proposal - Spring 2006

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INTRODUCTION

Over the past decade, a growing number of colleges and universities have begun to recognize and address the needs of transgender students and employees. As of April 2006, for example, according to the Transgender Law and Policy Institute (www.transgenderlaw.org/college/index.htm), 53 had amended their non-discrimination policies to include gender identity/expression; the vast majority had done so within the past five years. This growing awareness of the needs of transgender people may reflect an increasing number of transgender people on college campuses, although in the absence of data it is unclear whether or not that is the case. What is clear is that transgender people are becoming more visible and more willing to come forward and make their needs known to their campus communities.

In the interest of keeping Emory University at the forefront of institutions that value diversity and inclusion, the President's Commission on Lesbian, Gay, Bisexual and Transgender Concerns (PCLGBTC) has spent the 2005-2006 academic year researching and preparing this proposal, which sets forth our recommendations for how Emory might best create a transgender-inclusive campus. This has included researching the needs of transgender people; gathering data on what other institutions, including our peer institutions, are doing to create transgender-inclusive campuses; and assessing what is currently being done at Emory to meet the needs of transgender people.

Definitions

" Transgender" is an umbrella term that is used to describe people whose identity or behavior falls outside of stereotypical gender norms. Some transgender people are also transsexual -- moving from male to female, or female to male, with the help of surgery or hormones. Others prefer to think of themselves as somewhere in the middle, rejecting the notion that one must be either male or female; these people sometimes refer to themselves as "gender queer," "gender variant," or "gender non-conforming." The category also includes transvestites, or people who occasionally cross-dress, sometimes to perform as "drag queens" or "drag kings."

The term transgender also encompasses people who do not necessarily identify as transgender but who are perceived as not looking or acting like a person of their biological sex "should" (e.g., men who are effeminate and women who are strong or aggressive). They are subject to the same discrimination and verbal or physical threats as those who actually identify as transgender.

" Gender Identity" refers to a person's internal, deeply felt sense of being male or female, masculine or feminine. One's gender identity may or may not conform to one's biological sex; for transgender people, it does not. "Gender Expression" refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions. Typically, transgender people seek to make their gender expression match their gender identity, rather than their birth-assigned sex.

Transgenderism is different from sexual orientation; it has to do with how people experience and express their gender, while sexual orientation has to do with who people are sexually and romantically attracted to.

Major Arenas in Which Transgender People on College Campuses Experience Exclusion

Residence Halls

Most colleges and universities assign housing based strictly on the individual's birth gender and have residence halls designated as single-sex by building and/or room. As a result, transgender students often lack safe and comfortable on-campus housing options.

Bathrooms and Locker Rooms

- Transgender people are often subject to harassment and violence when using male- or female-specific campus restrooms.
- Public locker and shower rooms can be uncomfortable, intimidating, and even dangerous for transgender people, who may be outed as transgender if they have to change in front of others.

Forms, Records and Documents

Having a "sex" category on forms that is limited to "Male" and "Female" makes transgender people feel disregarded, and with no means to identify themselves, they remain invisible and their needs continue to be overlooked.

In addition, transgender people may want to change their name and gender on records and documents. It protects them from constantly having to explain why they use a name different from their birth name and why their appearance does not match a photo or gender on an ID card.

Moreover, updated records and documents protect them from discrimination when they apply for jobs, seek admission to graduate and professional schools, and at any other time that they must show a college document.

Health Care (including Mental Health Services)

Few practitioners are sensitive to or knowledgeable about the health (and other) needs of transgender people.

RECOMMENDATIONS

The following are broad recommendations; many of them will require further research and discussion before specific policies and procedures are developed and implemented. They are intended to set forth in general terms the types of measures Emory University might take in order to provide a fully inclusive environment for students and employees who are transgender. The PCLGBTC is prepared to participate in further discussions and research and to assist affected departments and programs as they develop and implement any of the measures we recommend.

I. Insure that Emory's Nondiscrimination and Discriminatory Harassment Policies Apply to Transgender People

As mentioned above, 53 colleges and universities have amended their non-discrimination policies to include gender identity and expression as protected categories. Three additional schools—Rutgers University, Vassar College, and the University of Michigan--state in footnotes to their policies that discrimination based on "sex" includes transgender people or gender identity/expression.

There are several reasons why Emory University should make sure its policies protect transgender students and employees. First, transgender people deserve to be treated with the same respect and dignity that other members of the Emory community enjoy. Second, doing so would be in keeping with Emory's new Vision Statement, which reads, in part, "Emory: A destination university internationally recognized as an inquiry-driven, ethically engaged, and diverse community.... fostering openness and diversity of thought, experience, and culture." Third, having policies that protect transgender people will

position Emory in the forefront of elite and inclusive institutions, which will help the university attract and retain the most talented students, faculty, and staff.

Finally, having and enforcing policies that prohibit discrimination or harassment based on gender identity or expression may limit Emory University's potential legal liability. Attorneys Stephen J. Hirshfeld and Shannon Wolf write in a recent article in *The Chronicle of Higher Education* that the U.S. Courts of Appeal for the First, Ninth, and most recently, Sixth Circuits have held that it is illegal to discriminate against a transgender person according to Title VII of the Civil Rights Act of 1964, which outlaws discrimination on the basis of race, national origin, sex, or religion....As a result, colleges should include gender identity and expression in their campus nondiscrimination policies and create procedural and structural changes that meet the needs of transgender students, faculty members, and administrators. (<http://chronicle.com/weekly/v51/i38/38b01001.htm>. See Appendix B.)

II. Develop Housing Policies and Procedures that Reflect the Needs of Transgender Students

Our recommendations here fall into three categories: housing options, application procedures, and training of residence hall staff.

A. Provide housing options that meet the needs of transgender students

- At a minimum, provide single rooms/single-room apartments for transgender students. If this is the only option for transgender students, the cost should not exceed that of a regular accommodation.
- Preferably, provide an option for transgender students to room with students of the gender with which they currently identify and which they express. To facilitate this, University Housing and the Office of LGBT Life could identify students who are willing to share a room with a transgender student. The list of such students could be updated annually, and roommates for transgender students would be selected from among those on the list.
- Optimally, provide at least one gender-neutral or single-stall bathroom on each floor in each residence hall.

B. Institute transgender-specific application procedures

- Designate a staff person from University Housing to act as a liaison to transgender students and advise them regarding housing options.
- Identify, on written and online application materials and on the Housing website, special application procedures for transgender students. Include the name and contact information of the person designated as a liaison to transgender students.

C. Provide mandatory training for residence hall staff on transgender issues.

Since many people are relatively uninformed about the issues transgender people face, training should be provided to those who may be called upon to assist students or employees who are dealing with these issues.

III. Provide Single-Stall, Unisex Restrooms in as Many Buildings as Possible, and Provide Locker/Changing Rooms that Afford Privacy in Athletic Facilities

The Emory campus was surveyed to determine how many single-stall restrooms, and how many locker rooms that provide privacy, currently exist. It was determined that Emory now has 52 buildings with at least one single-stall restroom. (Twenty-nine buildings were identified as having none, 5 buildings could not be located, 23 were not assessed due to time or the building being closed, and 2 were under construction.)

The only athletic facility with a private changing space is the family-friendly locker room at the Student Activity and Academic Center on the Clairmont Campus. This locker room includes a shower. Neither the

Woodruff PE Center nor the Blomeyer Health Fitness Center has a single-stall restroom/changing area or showering area. They do have showers with curtains.

Based on these data, the following measures are recommended:

A. Publicize the location of existing single-stall restrooms on campus, and designate them all as unisex restrooms

Campus Services has agreed to create an online map showing all single-stall restrooms on campus. The online map may be accessed through the Office of LGBT Life's website, the PCLGBTC website and any others that we think would be useful for promoting it. Other measures suggested by Campus Services include updating the evacuation map in each building, and placing signage in other restrooms in buildings, to show the location(s) of single-stall, unisex restrooms.

Once the results of the existing survey are mapped, if a particular area of campus has no buildings with single-stall restrooms, Emory may want to determine the feasibility of constructing at least one single-stall restroom in at least one of the buildings in the area, to improve access.

B. Make a commitment to include single-stall, unisex restrooms in any new construction on Emory's campus and also, when feasible, during renovation of existing buildings

Members of the Staff Concerns Committee of the PCLGBTC met with Vice President for Campus Services Bob Hascall and Manager of Accessibility Design and Construction Linda Sheldon regarding this recommendation. Hascall and Sheldon indicated that it would be possible to update the basic Emory written design standards for new construction and renovation to include language stating that buildings that are going to be newly constructed or renovated will have at least one single-stall, unisex restroom.

C. Use inclusive signage

When buildings are renovated or newly constructed, the signage for the single-stall restroom that is most inclusive should be used (i.e., the male/female and wheelchair icons that are used on the 4th floor of the Administration Building). Also, signage for some existing single-stall restrooms indicates that the restroom is gender-specific; it should be changed to indicate that the restroom is a unisex one.

D. Develop policies on transgender individuals' use of locker rooms in athletic facilities that lack a private space for changing and showering

Until there is a private locker room or changing area in all athletic facilities, Emory should develop clear policies on transgender individuals' use of public, gender-specific locker rooms. This may consist of simply stating that they are free to use the locker room of their choice (typically this would be the room designated for the gender they currently express). When policies are developed, staff at these facilities should be clearly informed of them.

E. Assess athletic facilities without a private changing area to determine whether it may be possible to create one

The Student Activity and Academic Center on the Clairmont Campus has a family-friendly locker/changing room. Emory should explore whether there is any space that could be converted to create a private changing space or even a private shower at both the Woodruff PE Center and the Blomeyer Health Fitness Center. It should be noted that these private changing areas would benefit families, people who are disabled, and others who may desire more privacy than is found in public, gender-specific changing and showering facilities.

IV. Develop and Publicize Policies and Procedures for Changing One's Name and Gender on all Emory University Documents

At present, both Human Resources and the Office of the Registrar outline on their websites the procedure for requesting a change of name. However, the Request for Change of Name Form provided by the Office of the Registrar notes that "There is no obligation to record name changes for students not currently

enrolled." We recommend that Emory revise this policy, since transgender alumni may want their official transcript or other documents to reflect the name they currently use.

Neither Human Resources nor the Office of the Registrar currently provides information on how to change one's gender on employee or student records, and there is no formal, written policy or procedure in either department regarding requests for a change of gender. Personnel in both departments indicated a willingness to work with the PCLGBTC to develop such formal policies and procedures.

We recommend that formal policies and procedures be developed governing requests for a change of gender on all Emory University documents. All personnel in relevant departments should be apprised of the policies and procedures, and they should be published on the appropriate websites.

Finally, admissions personnel in all units of the university should be apprised of the possibility that a student may have transcripts with different names and/or genders if the student identifies as transgender and has not yet had all relevant documents from another school changed.

V. Assess the Feasibility of Providing an Option for Individuals to Identify as Other than Male or Female on Forms, Including Housing Applications and Student Health Service and Counseling Center Records

There is currently no option on any University form for a student or employee to identify as other than male or female. The most common ways to provide for options other than male and female are for forms to read "Gender: M, F, self-identify: _____" or simply "Gender: _____." Another option may be to have an individual identify his or her birth sex as male or female, and provide another category for gender identity, formatted as above ("Gender Identity:_____").

VI. Provide Training on Transgender Issues for Staff at the Student Health Service and the Counseling Center

There is at present no one on staff at either the Student Health Service or the Student Counseling Center with an expertise in the medical or mental health issues of transgender people. While employees may seek treatment elsewhere, students must often depend on these on-campus resources, for financial or other reasons. Optimally, at least one clinician in both the Health Service and the Counseling Center should develop an expertise in this area. At the very least, staff in both should receive training about the basic health and mental health issues of transgender people.

CONCLUSION

The PCLGBTC recognizes that implementing many of the measures recommended here will take time. We also recognize the need to further consult and work with personnel in the departments that will be affected. We therefore pledge both our patience, and our eagerness to assist in the implementation process. Personnel with whom we have already consulted have indicated their willingness to work with us to implement the measures we discussed with them, and we feel certain that others will be no less willing. We also feel that students, employees and alumni of Emory who identify as transgender should be consulted during the implementation process to the greatest extent possible.