

# UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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SANTA BARBARA • SANTA CRUZ

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*Chair of the Assembly and the Academic Council  
Faculty Representative to the Board of Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200*

May 15, 2009

## **PRESIDENT MARK YUDOF UNIVERSITY OF CALIFORNIA**

### **Re: Request for addition to the UC Diversity Statement**

Dear Mark:

At its meeting on March 25, the Academic Council unanimously endorsed a request from the University Committee on Affirmative Action and Diversity (UCAAD) to add "gender identity" to the first paragraph of the UC Diversity Statement. The Assembly of the Academic Senate subsequently approved the revision at its meeting on April 22.

The UC Diversity Statement was adopted by the Regents in 2007. Unfortunately, due to an oversight, "gender identity" was not included. All other UC nondiscrimination policies forbid gender identity discrimination, in compliance with AB 196, which prohibits discrimination on this basis.

UCAAD and the Academic Council request that you endorse this revision of the UC Diversity Statement to include "gender identity" in order to be consistent with University policy. We also request that you forward it to the Regents for their endorsement. Please do not hesitate to contact me if you have any questions regarding Council's comments.

Sincerely,

A handwritten signature in cursive script that reads "Mary Croughan".

Mary Croughan, Chair  
Academic Council

Copy: Academic Council  
Martha Winnacker, Senate Director

Encl (3)

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UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION AND DIVERSITY (UCAAD)

Francis Lu, M.D., Chair

[francislu@sfdph.org](mailto:francislu@sfdph.org)

ACADEMIC SENATE

University of California

1111 Franklin Street, 12<sup>th</sup> Floor

Oakland, California 94607-5200

March 12, 2009

**MARY CROUGHAN, CHAIR  
ACADEMIC COUNCIL**

**Re: Addition of “Gender Identity” to the UC Diversity Statement**

Dear Chair Croughan:

I am writing to ask for Academic Council support at the March meeting if possible for an action item approved by UCAAD which supports the addition of “gender identity” to the first paragraph of the UC Diversity Statement. This issue was brought to the attention of UCAAD by Shane Snowdon representing the UC LGBT Directors Council in the memo attached.

UCAAD had originated the UC Diversity Statement, which was subsequently approved by the Academic Senate, President Dynes, and the Regents. Unfortunately, “gender identity” had been omitted from the original statement, and UCAAD strongly supports its inclusion.

Please contact me at (415) 608-3707 or [francislumd@aol.com](mailto:francislumd@aol.com) if you have any questions. Many thanks.

Sincerely,

Francis Lu, M.D.  
Chair, UCAAD

Copy : Martha Winnacker, Executive Director

Enclosures (2)

POLICY ON UNIVERSITY OF CALIFORNIA DIVERSITY STATEMENT  
*Adopted September 20, 2007*

The Regents of the University of California adopt as policy the following:

**UNIVERSITY OF CALIFORNIA DIVERSITY STATEMENT**

RECOMMENDED TO THE UNIVERSITY OF CALIFORNIA BY THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA

*Adopted by the Assembly of the Academic Senate May 10, 2006 Endorsed by the President of the University of California June 30, 2006*

The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state's history into the present. Diversity – a defining feature of California's past, present, and future – refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, **gender identity**, socioeconomic status, and geographic region, and more.

Because the core mission of the University of California is to serve the interests of the State of California, it must seek to achieve diversity among its student bodies and among its employees. The State of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff, and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the State.

Diversity should also be integral to the University's achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates diversity thus can promote mutual respect and make possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.

Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty, and staff from historically excluded populations who are currently underrepresented.

To: UCAAD  
From: Shane Snowdon representing the UC LGBT Directors Council  
Re: Request for the addition of "gender identity" to the UC Diversity Statement  
Date: March 5, 2009

The UC LGBT Directors Council applauds the powerful and eloquent UC Diversity Statement, which was approved by the Regents in September 2007. It is a very impressive declaration of UC's commitment to diversity.

One aspect of it, however, inadvertently sent a distressing and confusing message with respect to UC's view of one form of diversity, namely, differences in gender identity. Ten specific "differences" are cited in the last sentence of the statement's first paragraph, but "gender identity" is not among them. This omission unwittingly suggested to some that UC was withdrawing recognition and protection from transgender members of the UC community, whose gender identity differs from that of the majority (i.e., they identify with a gender other than that assigned to them at birth).

On December 18, 2003, former President Dynes wrote a letter to the UC Chancellors and Laboratory Directors that read, in part:

The University of California nondiscrimination policies have been revised to clarify that discrimination on the basis of gender identity . . . is prohibited. . . . The changes [in all UC nondiscrimination policies] incorporate the addition of "gender identity" as a protected status under the California Fair Employment and Housing Act (effective 1/1/2004).

This revision of the UC nondiscrimination policies reflected California state law AB 196, which prohibited "gender identity" discrimination. All current UC nondiscrimination policies now forbid "gender identity" discrimination; see, for example, UC's Nondiscrimination and Affirmative Action Policy Statement Regarding Employment Practices of July 1, 2008 posted at: [http://atyourservice.ucop.edu/employees/policies\\_employee\\_labor\\_relations/pres\\_policies/0806-nondiscrim\\_policy\\_state\\_pub.pdf](http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/pres_policies/0806-nondiscrim_policy_state_pub.pdf)

The decision to add "gender identity" to the nondiscrimination policies was enthusiastically received both within and beyond the UC system. It sent a strong and much-needed message to UC and the nation that discrimination against transgender students, faculty, and staff would not be permitted. It also catalyzed systemwide education around the needs of transgender students, faculty, and staff. Transgender-related training was provided to the vice chancellors of student affairs, campus and systemwide counsel, directors of affirmative action, human resources and academic personnel directors, risk managers, directors of campus housing, directors of counseling and psychological services, police officials, athletics directors, registrar staff, IT managers, and many others.

Despite this and subsequent training, however, transgender members of the UC community face ongoing challenges, including bias in hiring, admissions, and advancement; hostility, ostracism, and harassment; denied or limited access to bathrooms, housing, showers, and lockers; refusals to honor their gender identity in records, email systems, and ID issuance; and untrained counselors and health care providers. As a result, transgender members of the UC community have filed a disproportionate number of formal and informal complaints (it would be useful for these data to be collected, analyzed, and reported in systemwide diversity documents, which have not mentioned transgender, lesbian, gay or bisexual students, staff, or faculty). UC is doing much to eliminate the challenges that face transgender individuals, but much remains to be done; the inclusion of "gender identity" to the nondiscrimination policies signals UC's intention to create an equitable and welcoming climate for transgender individuals.

Because transgender members of the UC community continue to face significant challenges, the omission of "gender identity" from the UC Diversity Statement, when it was added to the nondiscrimination policies in 2003, led many to fear that UC might be changing its stance with respect to transgender individuals. The addition of "gender identity" to the statement would dispel this fear, and send a powerful message of inclusion to transgender students, staff, and faculty. UC has been a national leader in transgender equality, and the revision of the UC Diversity Statement to reflect this would be much appreciated and deeply meaningful.