### UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Kum-Kum Bhavnani Telephone: (510) 987-9303 Email:kum-kum.bhavnani@ucop.edu Chair of the Assembly of the Academic Senate Faculty Representative to the Regents University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

May 14, 2020

# SUSAN CARLSON, VICE PROVOST ACADEMIC PERSONNEL

Re: Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Susan,

As you requested, I distributed for systemwide Senate review the proposed Presidential Policy on Gender Recognition and Lived Name. All ten Academic Senate divisions and three systemwide committees (UCAADE, UCFW, and UCEP) submitted comments. These comments were discussed at Academic Council's April 29, 2020 meeting and are attached for your reference.

We understand that the policy requires the University to provide three equally recognized gender options—female, male, and non-binary—on University-issued documents and information systems; to provide a process for students and employees to retroactively amend their gender designations and lived names on those documents and systems; and to keep the legal name confidential in documents and systems, except when required by law.

The Senate applauds the University's commitment to recognizing the right of UC community members to use their lived names and gender identities wherever it is legally possible. It is an important and necessary step toward a more inclusive environment and greater equity for transgender and non-binary students, faculty, and staff. The Senate also recommends several clarifications and changes to the policy, including the following:

First, reviewers ask that the policy address and clarify circumstances that might require rejection of a lived name, such as instances in which an individual uses a hateful or impractical name, as well as the authority or arbiter for those decisions.

Reviewers are also concerned that the policy as written may unintentionally compromise an individual's right to privacy. They feel the policy should include a clear statement on privacy and do more to describe measures UC will take to ensure that legal names are kept confidential, and to describe circumstances in which legal names must be employed. The policy should more clearly articulate when UC will use a legal vs. lived name on documents or in UC information systems, and whether and when the new policy might be applied to documents for which legal names are currently used but not federally required, such as transcripts, diplomas and/or dissertation title pages. Reviewers also raised questions as to whether UC "information systems" include application portals for prospective students, staff, and faculty, or only individuals whose

entry into "an academic or professional relationship with the University" has been confirmed. The policy should also clarify UC's intentions around data collection. In particular, we recommend it provide specific guidance about how gender-related demographic information is collected, stored, and subsequently reported to federal agencies in human subjects research, as well as the implications of the policy on records used to track gender-based inequities and discrimination, potential housing placement, gender-based assignment to athletics, and gender-based private scholarships.

We encourage you to consider UCSF's nuanced and informed recommendations for correcting and clarifying the definition of "transgender" and other terms listed in the Definitions section in the policy. We would also ask that you reconsider the use of the term "dead name," given that some people find it offensive, and the purpose of the document is to be inclusive.

There was also concern that tracking two names for one person could increase the complexity and cost of updating and maintaining IT systems, and that the policy should not unintentionally exclude past research, teaching, and service records from the merit/promotion files of faculty colleagues who have taken on a lived name. Finally, we recommend that UCOP develop a communication, education and training plan for campuses about the policy that clarifies its meaning, importance, and implications.

As a next step, Council requests that you consult with CCGA, UCEP, and UCAADE on the revised version of the proposed policy, after which, those committees will advise the Academic Council. Thank you for the opportunity to opine. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Kum-Kum Bhavnani, Chair

Academic Council

cc: Associate Vice Provost Halimah

Kun Kun Bhawaii.

Academic Council Senate Directors



REVISED April 23, 2020

KUM-KUM BHAVNANI Chair, Academic Council

Subject: Comments on the Proposed Presidential Policy Gender Recognition and Lived Name

Dear Kum-Kum,

On April 13, 2020, the Divisional Council (DIVCO) of the Berkeley Division discussed the *Proposed Presidential Policy Gender Recognition and Lived* Name, informed by reports of the committees on Diversity, Equity, and Campus Climate (DECC); Faculty Welfare (FWEL); Graduate Council (GC); and Undergraduate Council (UGC). DIVCO endorsed the reports, which are appended in their entirety.

DIVCO is supportive of the policy objectives, which are stated in the "Policy Summary," and is pleased with the University's commitment to this area. UGC described two concerns. First, there may be other circumstances other than legal reasons to have this policy, such as hate speech, and there should be a process on how names should be treated. Second, it is challenging to define every contingency and possible gender identity when designations change continually. There should be a simpler approach. DIVCO members are also concerned with the implementation into UC Path, costs related to system changes, maintenance and compliance of websites, other costs, and how this area occasionally transforms. DIVCO also discussed that the best practices of the Consortium of Higher Education LGBT Resource Professionals have excellent resources for policy implementation.

Thank you for the opportunity to comment. If you have any questions, please don't hesitate to contact me.

Sincerely,

Oliver O'Reilly

Third Office

Chair, Berkeley Division of the Academic Senate

Professor of Mechanical Engineering

#### Enclosures

cc: Jennifer Johnson-Hanks, Vice Chair, Berkeley Division of the Academic Senate
David Ahn, Chair, Committee on Diversity, Equity, and Campus Climate
David Hollinger, Chair, Committee on Faculty Welfare
John Battles, Chair, Graduate Council
Jonah Levy, Chair, Committee on Undergraduate Council
Jocelyn Surla Banaria, Executive Director, Berkeley Division of the Academic Senate
Sumei Quiggle, Associate Director staffing Graduate Council and Undergraduate Council
Linda Corley, Senate Analyst, Committee on Diversity, Equity, and Campus Climate
Sumali Tuchrello, Senate Analyst, Committee on Faculty Welfare



April 9, 2020

## PROFESSOR OLIVER O'REILLY Chair, 2019-2020 Berkeley Division of the Academic Senate

Re: DECC's Comments on the Proposed New Presidential Policy on Gender Recognition and Lived Name

The Committee on Diversity, Equity, and Campus Climate (DECC) has read the proposed New Presidential Policy on Gender Recognition and Lived Name. DECC unanimously endorsed the proposal without comment.

Sincerely,

David Ahn

Chair, Committee on Diversity, Equity, and Campus Climate

DA/lc



February 25, 2020

# CHAIR OLIVER O'REILLY Academic Senate

Re: New Systemwide Policy for Gender Recognition & Lived Name

Dear Oliver,

On February 24<sup>th</sup>, 2020 the Committee on Faculty Welfare discussed the proposed new systemwide Gender Recognition and Lived Name policy. The committee is in support of the objectives of the policy.

Sincerely,

David Hollinger, Co-Chair

David Steigmann, Co-Chair

DH/DS/st



April 10, 2020

### PROFESSOR OLIVER O'REILLY Chair, Berkeley Division of the Academic Senate

Re: GC comments on the Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Chair O'Reilly:

The Graduate Council reviewed the Proposed Presidential Policy on Gender Recognition and Lived Name at its meeting on March 2, 2020. Committee members supported the proposed policy. However we were concerned with the wording of the questions in Section D of the Appendix. We recommend that they be rewritten in accordance with best practices to ensure good data collection. One valuable resource is the set of questions and principles composed by the Consortium of Higher Education LGBT Resource Professionals: <u>Asking Sexual Orientation and Gender on College Applications</u>.

Furthermore, we suggest that templates be provided to assist survey designers, and that a campus officer be designated as a contact for any concerns about compliance. Finally, we hope that the Academic Senate will formulate a similar policy regarding gender recognition and lived name that would apply to all academic documents such as transcripts and diplomas.

Sincerely yours,

John J. Battles

Chair, Graduate Council



March 10, 2020

### PROFESSOR OLIVER O'REILLY Chair, Berkeley Division of the Academic Senate

Re: UGC comments on the proposed Presidential Policy on Gender Recognition and Lived Name

Dear Chair O'Reilly,

At its meeting 4 March 2020, UGC discussed the *Proposed Presidential Policy on Gender Recognition and Lived Name*. UGC applauds the University's commitment to recognizing the right of members of our community to use their lived names and gender identities wherever it is legally possible. We have two concerns about the proposal as currently formulated, however.

One concern relates to the procedures and limitations on the right of people to use their lived names or gender identities. The proposed policy provides that the lived name should be used "unless it is used to avoid a legal obligation or to create misrepresentation." UGC members identified other situations in which the lived name should not be allowed, such as if someone wishes to use a name that is impracticable (say 150 consonants) or hateful or offensive to many ("Hitler was right"). The criteria for refusing a lived name should be broadened to include these kinds of names (especially any kind of hate speech). In addition, UGC believes that it is important to clarify how rejections of proposed lived names would be decided, by whom, and with what possibilities for appeal.

The other concern UGC has is that the planned procedures described in the index might be excessively complicated and difficult to implement. It seems that the index is trying to define every contingency and possible gender identity at a time when the number and variety of designations are changing rapidly from year to year. UGC worries that any attempt at exhaustive enumeration may become obsolete in short order. We wonder if a simpler approach might be appropriate.

Sincerely,

Jonah Levy

Chair, Undergraduate Council

Same Lerry



DAVIS DIVISION OF THE ACADEMIC SENATE ONE SHIELDS AVENUE DAVIS, CALIFORNIA 95616-8502 (530) 752-2220 academicsenate.ucdavis.edu

April 22, 2020

#### Kum-Kum Bhavnani

Chair, Academic Council

**RE:** Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Kum-Kum:

The proposed new Presidential Policy on Gender Recognition and Lived Name was forwarded to all standing committees of the Davis Division of the Academic Senate. Four committees responded: Academic Personnel Oversight (CAP), Affirmative Action and Diversity (AA&D), Faculty Welfare, and Information Technology (CIT).

Overall, committees support the proposed policy but recommend several clarifications.

CAP observed "some variance in the terminology used and categories included that may be unintentionally exclusionary and require further standardization (e.g., 'Male' and 'Trans Male' vs. 'Cisgender Male' and 'Trans Male' as system options)." CAP also thinks it would be helpful to know candidates' preferred pronouns during academic personnel processes.

CIT recommends that the policy include additional guidance in areas of human subjects research and students' academic experiences: "Given the prevalence of human subject research on campus, it would be helpful for the policy to provide specific guidance as to how gender-related demographic information should be collected and stored, and subsequently reported to federal agencies. The committee also would like clarification on implications that the policy might have on records that are used to track gender-based inequities and discrimination, potential housing placement, gender-based assignment to NCAA or other organized athletics teams, and gender-based private scholarships. The committee also finds it important to identify a way for academic advisors to have access to all lived names used by an individual person throughout their time on campus in the case that the individual person were to have changed their lived names multiple times."

Lastly, Faculty Welfare recommends that the policy include guidance on procedures, when ready, for affected individuals to follow, and AA&D wonders if there could be legal and policy implications for keeping legal names confidential.

The Davis Division appreciates the opportunity to comment.

Sincerely,

Kristin H. Lagattuta, Ph.D.

Chair, Davis Division of the Academic Senate

Kristin H. Lagettuta

Professor, Department of Psychology and Center for Mind and Brain

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate Michael LaBriola, Assistant Director, Systemwide Academic Senate Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

# Committee on Academic Personnel – Oversight Committee Request for Consultation Response: Proposed New Presidential Policy on Gender Recognition and Lived Name

The Committee on Academic Personnel (CAP) – Oversight Committee has reviewed and discussed the proposed new Presidential Policy on Gender Recognition and Lived Name. CAP viewed this policy as consistent with current practices regarding name recognition, though observed some variance in the terminology used and categories included that may be unintentionally exclusionary and require further standardization (e.g., "Male" and "Trans Male" vs. "Cisgender Male" and "Trans Male" as system options). While this policy does not have a substantive impact on CAP processes, the committee did express a desire for clarity regarding candidates' preferred pronouns in academic personnel processes, so that they can be as respectful as possible when referring to candidates in their recommendation letters.

TO: Academic Senate Chair Lagattuta

RE: Proposed New Presidential Policy on Gender Recognition and Lived Name

The Affirmative Action and Diversity Committee (AA&D) has reviewed the Proposed New Presidential Policy on Gender Recognition and Lived Name. The committee agrees with the first two issues addressed in the policy and found a potential issue with the third. The committee believes that there may be legal or policy issues with implementing a policy that requires keeping a legal name confidential.

April 17, 2020

Kristin Lagattuta, Chair Davis Division of the Academic Senate

RE: Proposed Presidential Policy Gender Recognition and Lived Name

Dear Professor Lagattuta,

The Faculty Welfare Committee reviewed and discussed the Proposed Presidential Policy Gender Recognition and Lived Name. We support these policy changes but would like additional clarification on appropriate procedures to follow for concerned individuals and colleagues to those affected individuals.

Regards,

Moradewun Adejunmobi, Chair Faculty Welfare Committee

To: Kristin Lagattuta, Chair, Davis Division of the Academic Senate

Date: April 17, 2020

Re: Committee on Information Technology Response to the Request for Consultation: Proposed New

Presidential Policy on Gender Recognition and Lived Name

The Committee on Information Technology (CIT) reviewed the RFC: Proposed New Presidential Policy on Gender Recognition and Lived Name and had some concerns with the new policy. CIT believes that, given the prevalence of human subject research on campus, it would be helpful for the policy to provide specific guidance as to how gender-related demographic information should be collected and stored, and subsequently reported to federal agencies. The committee also would like clarification on implications that the policy might have on records that are used to track gender-based inequities and discrimination, potential housing placement, gender-based assignment to NCAA or other organized athletics teams, and gender-based private scholarships. The committee also finds it important to identify a way for academic advisors to have access to all lived names used by an individual person throughout their time on campus in the case that the individual person were to have changed their lived names multiple times. Lastly, the committee did bring up the important point that it is not clear that all campuses have updated email record systems to handle changed lived names. If campuses are willing to change emails based on changes in lived name, this could present a challenge if members on campus have received prior emails from the individual and are unaware of the update to the email name and as subsequently choose to disregard the email associated with the updated email name.



April 10, 2020

Academic Senate 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

Kum-Kum Bhavnani, Academic Council Chair 1111 Franklin Street, 12<sup>th</sup> Floor Oakland, CA 94607-5200

# Re: Systemwide Review of Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Chair Bhavnani,

At its April 7, 2020 meeting, the Irvine Division Senate Cabinet reviewed the proposed Presidential Policy on Gender Recognition and Lived Name. Irvine's Council on Educational Policy, Council on Equity and Inclusion, Council on Faculty Welfare, Diversity, and Academic Freedom, Council on Planning and Budget, and Graduate Council had also reviewed the proposal. Based on discussions with both the Councils and the Senate Cabinet, the Irvine Division supports the proposed policy, but several issues were raised within individual Councils. The memos from these Councils have been provided for your review. The Senate Cabinet voted 10-0-0 to endorse the policy.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

James Steintrager, Chair

Academic Senate, Irvine Division

Enclosures: CEP memo

CEI memo CFW memo GC memo



C: Hilary Baxter, Executive Director, Academic Senate
Jeff Barrett, Chair-Elect, Academic Senate, Irvine Division
Kate Brigman, Executive Director, Academic Senate, Irvine
Division



Academic Senate 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

Gina Anzivino, Assistant Director, Academic Senate, Irvine Division Brandon Haskey-Valerius, Cabinet Analyst, Academic Senate, Irvine Division





Academic Senate Council on Educational Policy 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

**April 5, 2020** 

# JIM STEINTRAGER, CHAIR ACADEMIC SENATE

### RE: CEP Review of Proposed New Presidential Policy on Gender Recognition and Lived Name

At its April 2, 2020 meeting, CEP reviewed the proposed new presidential Policy on Gender Recognition and Lived Name.

CEP agrees with the policy proposal. We note that our registrar was ahead of the curve on this issue and that there were no issues arising out of the implementation.

CEP would like to thank Cabinet for the opportunity to review the proposal.

Sincerely yours,

Charles Anthony Smith, Chair Council on Educational Policy





Academic Senate Council on Equity and Inclusion 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

March 25, 2020

# JAMES STEINTRAGER, CHAIR ACADEMIC SENATE, IRVINE DIVISION

### RE: Systemwide Review of Proposed Presidential Policy on Gender Recognition and Lived Name

The Council on Equity and Inclusion (CEI) was asked to review the proposed Presidential Policy on Gender Recognition and Lived Name. CEI's March meeting was canceled due to the COVID-19 crisis, so comments on the proposed policy were collected via email.

For the most part, council members had no concerns with the proposed policy. The first component of the policy addresses university documents and reporting. It would require three categories -- female, male and nonbinary -- and provide an opportunity for university affiliates who had formerly identified as female or male, when those were the only categories available, to change their gender identification. The second component of the policy requires that the university recognize the lived name of the affiliate and keep the legal name confidential, except when required by law. Each of these components struck members as respectful of the diversity of our students, fellow faculty and staff, and alumni. Members felt that an inclusive environment requires this level of respect for its affiliates.

A minority of members expressed concerns about the proposed policy. First, there was some concern with the cost of implementation and the needed updates to IT systems, especially in light of the current public health crisis and its impact on the university. They felt that the implementation timeline should be flexible if budget and IT concerns necessitated a delay.

They also thought the policy should include limitations on how many changes an affiliate could make to their name or gender identify, as well as provisions about what lived names are considered "acceptable." These members felt that there was potential for the policy to be abused by some individuals; however, most members did not feel that there was any serious possibility of abuse.

The Council on Equity and Inclusion appreciates the opportunity to comment.

Sincerely,

Louis DeSipio, Chair Council on Equity and Inclusion

C: Jeffrey Barrett, Chair Elect-Secretary Gina Anzivino, Assistant Director and CEI Analyst Brandon Haskey-Valerius, Senate Cabinet Analyst





Academic Senate Council on Faculty Welfare, Diversity & Academic Freedom 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

March 18, 2020

### JAMES STEINTRAGER, CHAIR ACADEMIC SENATE, IRVINE DIVISION

# RE: Proposed New Presidential Policy on Gender Recognition and Lived Name

At its meeting on March 10, 2020, the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed New Presidential Policy on Gender Recognition and Lived Name. This policy directs:

- 1. The University to provide three equally recognized gender options on university-issued documents and information systems female, male and nonbinary.
- 2. The University to provide an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems.
- 3. That the legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name.

Some members anticipate that name discrepancies create confusion among instructors. Nonetheless, with one member abstaining, CFW voted to endorse this policy.

Sincerely,

Ken Chew, Chair Council on Faculty Welfare, Diversity, and Academic Freedom

C: Kate Brigman, Executive Director,
Academic Senate
Gina Anzivino, Assistant Director,
Academic Senate





Academic Senate Graduate Council 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

March 25, 2020

### JAMES STEINTRAGER, CHAIR ACADEMIC SENATE, IRVINE DIVISION

### **RE:** Presidential Policy on Gender Recognition and Lived Name

At its March 12, 2020 meeting, Graduate Council reviewed the proposed Presidential Policy on Gender Recognition and Lived Name. The Policy is largely positive and timely in recognizing a nonbinary option for students and employees.

One potentially controversial issue identified in your cover letter is whether a preferred name should be allowed on academic documents such as transcripts, diplomas or dissertation cover pages. It appears, from page 7 of the draft Policy, that the proposed Policy does NOT extend to such documents, which now require legal names. It is not clear, however, why the Policy should not extend to such academic documents, assuming that this is permitted by law. One of the main goals of the new Policy is to permit the preferences of the student or employee to govern except when the law requires otherwise.

Inconsistencies around this issue can be found in the Appendix document, which raise various questions. For example:

- Page 5 of the Appendix adds an additional condition: "A lived name should be used... unless it is used to avoid a legal obligation or to create misrepresentation." Who decides and how to decide when someone's intention is to avoid a legal obligation and to create misrepresentation?
- Page 5 of the Appendix then adds yet another exception: "... lived names should be used... except when legal names are required by law, industry standard or legitimate business needs." Again the additional criteria can be vague/arbitrary and can open up the possibility of discretionarily disallowing someone from using their lived name.

A second possible issue is whether the single term "nonbinary" is sufficient to express the diverse preferences for the recognition of different gender and sexual identities. Perhaps the three categories of female, male, and nonbinary are insufficient. But permitting a wider array of designations would be complicated, costly, and perhaps controversial (for example, it might

be difficult to decide which designations to include). Thus, there is much to be said for limiting designations to female, male, and nonbinary.



Procedure for changing lived name once it is in the system should be clarified:

- Any system typically has a procedure for changing one's legal name (under what circumstances, what documents need to be provided, etc.), but the Policy does not talk about whether one is allowed to and how and how often one can change one's lived name once it is in the system.
- Page 6 of the Appendix talks about the ability to update personal information including gender identity and sexual orientation at any time within the system when any other directory information is updated but does not touch on changing lived names.
- This issue is relevant for administrative, teaching, and cost considerations, as lived names will be used in class rosters, grade rosters, ID cards, unofficial transcripts, etc.

Lastly, the policy documents contain some awkward and inconsistent drafting. Attached are redlined versions of the Policy and Appendix – prepared by Professor Kenneth Simons, School of Law – with some questions and suggestions for improvement.

On behalf of the Graduate Council,

Carroll Seron, Chair

Attachments: Redlined Policy

Redlined Appendix

c: Gina Anzivino, Assistant Director, Academic Senate

Thao Nguyen, Graduate Council Analyst

#### **TABLE OF CONTENTS**

I.	POLICY SUMMARY	3
II.	DEFINITIONS	3
III.	POLICY TEXT	5
IV.	COMPLIANCE / RESPONSIBILITIES	5
٧.	PROCEDURES	5
VI.	RELATED INFORMATION	6
VII.	FREQUENTLY ASKED QUESTIONS	6
VIII.	REVISION HISTORY	7
IX.	APPENDIX	7

#### I. POLICY SUMMARY

Gender identity is fundamentally personal, and the University of California should ensure that all individuals have university-issued identification documents and displays of personal identification information that recognize their accurate gender identity and lived name (first name, middle name and/or last name or surname). This policy also provides guidance on the collection and reporting of gender identity, lived name and sexual orientation.

#### II. DEFINITIONS

Bisexual: A person whose sexual and affectional orientation <u>can beis</u> toward people <u>both</u> of their own <u>or-and</u> other genders.

Cisgender: Denotes or relates to a person whose sense of personal identitysexual orientation? and gender corresponds with their birth sex.

Dead name: A name that a transgender person was given at birth but no longer uses.

Downstream information system: A computer information system that receives data from a collaborative primary? information system. Analogous to a river, data can flow upstream or downstream to another information system.

Gay: A sexual and affectional orientation toward people of one's own gender.

Gender expression: [Should be defined]

Commented [MOU1]: Perhaps this is now a term of art, but "Former name" seems more accurate.

Gender identity: A person's internal sense of the gender(s), if any, with which they identify. An individual's gender identity can be the same or different from their sex and/or gender at birth.

Genderqueer: A person whose gender identity and/or gender expression falls outside of the dominant social norm of the assigned sex, is beyond genders or is a combination of genders.

Heterosexual or straight: A sexual orientation wherein a) a person who identifies as a woman feels physically and emotionally attracted to a person who identifies as a man, or b) a person who identifies as a man feels physically and emotionally attracted to a person who identifies as a woman.

Legal name: Legal name is the name that identifies a person for legal, administrative and other official purposes. Legal names are those that appear on official government documents.

Lesbian: A woman whose primary sexual and affectional orientation is toward people of her own gender.

LGBTQ: an acronym that stands for lesbian, gay, bisexual, transgender, queer and/or questioning of one's sexual orientation or gender identity. Sometimes the acronym is expanded to LGBTQIA+ to include intersex, as well as asexual, agender and aromantic people, plus other associated communities.

Lived name: A self-chosen or preferred personal and/or professional name used instead of a legal name.

Nonbinary gender: An umbrella term for people with gender identities that fall somewhere outside of traditional understandings of female or male. They may also describe themselves as agender, genderqueer, gender fluid, Two Spirit, transgender, bigender, pangender, gender nonconforming or gender variant.

Pansexual: Terms used to describe people who have remantic, sexual or affectional desire for people of all genders and sexes.

Preferred name: Preferred name, like Synonymous with "lived name.", is a self-chosen personal and/or professional name used instead of a legal name.

Primary information system: The initial computer information system that collects the raw data that is later transferred to downstream information systems.

Sexual orientation: A person's capacity for and attraction and desire to have sex and a sexual relationship. Labels for sexual orientation include asexual, bisexual, demisexual, gay, heterosexual — often termed straight — lesbian, and pansexual, etc.)

Trans Female/Trans Woman: A transgender person who was assigned male at birth but whose gender identity is that of a woman.

Trans Male/Trans Man: A transgender person who was assigned female at birth but whose gender identity is that of a man.

Transgender: a) Someone whose gender identity or expression does not fit within dominant group social constructs of assigned sex and gender; b) A gender outside of the man/woman binary; or c) Having no gender or multiple genders

III. POLICY TEXT

The University must provide three equally recognized gender options on university-issued documents and information systems — female, male and nonbinary — and an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems. The legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name. It is the intent of the University that this policy be fully implemented by UC campuses and locations by July 1, 2021.

This policy also provides guidance in Section VII on the collection and reporting of gender identity, lived name, and sexual orientation.

#### IV. COMPLIANCE / RESPONSIBILITIES

This is a systemwide policy, to be instituted across all campuses and locations.

The President of the University of California is responsible for implementing and enforcing this policy.

The Office of Diversity and Engagement at the University of California Office of the President is responsible for providing interpretations or clarifications of the policy.

#### V. PROCEDURES

The following procedures are required for all University of California campuses, locations, departments and agents to follow.

- All forms whether physical/hard copy or virtual/electronic provided to any
  individual entering into an academic or professional relationship with the University
  of California must offer three options when gender information is requested: female,
  male and nonbinary.
- The gender option selected by an individual must be used within the University of California system in all settings and situations that do not require a person's legal name.

Commented [MOU2]: This seems to be an unusually broad definition. It is much broader than the class composed of both trans female and trans male. But perhaps this is intended.

- 3. Any individual entering into an academic or professional relationship with the University of California may be permitted to indicate a lived name (also known as preferred name) to be used in the University of California system in all settings and situations that do not require a person's legal name.
- 4. Any individual in an existing academic or professional relationship with the University of California must — through a straightforward and efficient process — be permitted to amend their University of California records to reflect their gender identity and lived name.

#### VI. RELATED INFORMATION

Appendix 1: Guidance for Collecting and Reporting Demographic Data on Sexual Orientation, Gender and (Lived) Name

Appendix 1 provides guidance and guidelines for University of California offices responsible for the collection and reporting of demographic data on the gender identity of UC students, employees and affiliates. The document also provides guidance on the collection and use of lived names for students, employees and affiliates.

CA SB-179: Gender Recognition Act

#### VII. FREQUENTLY ASKED QUESTIONS

Q: Why is it necessary to include a nonbinary gender option on University forms and in UC systems?

A: Until now, individuals whose gender identity is neither female nor male were forced to choose from one of the two options. Offering a nonbinary gender option acknowledges that the binary options are not sufficient to recognize gender diversity, at least within the university community.

#### Q: What prompts the creation of this new policy?

A: On October 15, 2017, the state of California passed the Gender Recognition Action (SB-179). The bill contributed to university discussions already taking place about revising procedures and practices to be more gender inclusive, including the 2014 recommendations from the UC Task Force & Implementation Team on Lesbian, Gay, Bisexual and Transgender Climate & Inclusion (the LGBT Task Force).

Q: Would the option for individuals to choose a lived or preferred name be limited to those individuals who are transgender or who have designated a non-binary gender?

A: The designation of a lived or preferred name may be of interest to a myriad of University community members, including but not limited to individuals who are transgender, whose gender identity differs from that indicated on official documents,

whose lived or preferred name is a variation or a shortened version of their legal name (e.g., international students, faculty and staff who have adopted Anglicized names); or those who have married and have had a legal name change but wish to retain the name under which they have published academic works.

#### Q. What are examples of university documents where a legal name is required?

A. Generally, documents that the University provides to the federal government orin conjunction with a person's Social Security Number require the use of a legal name. This may include, but is not limited to the following:

- · Financial aid documents
- · Payroll records
- · Medical personnel identification and patient records
- · Federal immigration documents
- Tax forms (i.e., W2, 1095C, 1099)

# Q. Does this policy cover student names on academic documents such as transcripts, diplomas and/or dissertation title pages?

At this time, legal names are used for official transcripts, diplomas and dissertation title pages. Policy changes regarding academic documents are recommended by the University of California Academic Senate and are subject to change.

VIII.	REVISION HISTORY					
This is a new policy.						
IX.	APPENDIX					
Appendix 1: Guidance for Collecting and Reporting Demographic Data on Sexual Orientation, Gender and Lived Name						



#### Guidance for Collecting and Reporting Demographic Data on Sexual Orientation, Gender and Lived Name

#### Part I: Background

This document accompanies the University of California Presidential Policy on Gender Identity and Lived Name by providing guidance and guidelines for University of California offices responsible for the collection and reporting of demographic data on the gender identity of UC students, employees and affiliates. The document also provides guidance on the collection and use of lived names for students, employees and affiliates.

#### Presidential Policy on Gender Identity and Lived Name

Gender identity is fundamentally personal, and the University of California should ensure that all individuals have university-issued identification documents and displays of personal identification information that recognize their accurate gender identity and lived name.

The University must provide three equally recognized gender options on university-issued documents and information systems — female, male and nonbinary — and an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems. The legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name. It is the intent of the University that this policy be fully implemented by UC campuses and locations by July 1, 2021.

The following procedures are those that are required for all campuses, departments and agents.

- All forms whether physical/hard copy or virtual/electronic provided to any individual entering into an academic or professional relationship with the University of California must offer three options when gender information is requested: female, male and nonbinary.
- The option selected by an individual must be used within the University of California system in all settings and situations that do not require a person's legal name.
- 3. Any individual entering into an academic or professional relationship with the University of California may be permitted to indicate a lived name (also known as preferred name) to be used in the University of California system in all settings and situations that do not require a person's legal name.
- 4. Any individual in an existing academic or professional relationship with the University of California must be permitted through a straightforward and

efficient process — to amend their University of California records to reflect their gender identity and lived name.

#### **PART II: GUIDANCE**

#### A. Primary and downstream information systems

- Many university systems are interconnected. An example is UCPath with Time and Attendance, Identity Management and Learning Management systems connected. It is the expectation of the Presidential policy that all primary or source information systems such as payroll/personnel systems, student Information systems, donor or alumni databases and patient information systems must provide three gender options: female, male and nonbinary.
- 2. These systems must also provide the option for individuals to indicate a lived name (also known as preferred name) in addition to a legal name.
- 3. It is the expectation of the Presidential policy that whenever gender identity and lived name are collected in the primary systems, this information should be pushed to downstream systems such as class rosters, housing assignments, name badges—(unless legal name is required), student or employee information portals, invoices, learning management systems, and so forth, unless the legal name is required. Downstream systems may need to be modified as needed to accept the gender identity and lived name data fields from the primary system.

#### B. Collection of gender or gender identity information:

 In accordance with Presidential Policy on Presidential Policy on Gender Identity and (Lived) Name, the University must provide three equally recognized gender options on university-issued documents and information systems — female, male and nonbinary. When collecting gender or gender identity, all forms and primary information systems should use the following question and answer format:

Question: What is your gender identity?

#### Answer choices:

- Female
- Male
- Trans Female/Trans Woman
- Trans Male/Trans Man
- Genderqueer or Nonbinary Gender
- Different Identity
  - Forms or information systems may include an optional open text box for "different identity."

Commented [MOU1]: It is not clear how this question/answer format relates to the three-part designation of female, male, or nonbinary. What if a trans woman wants to be identified as female or as nonbinary? Similarly for other categories.

- 2. Systems and forms should avoid using terminology such as "sex assigned at birth," "sex as listed on birth certificate," or "other, "unless this information is legally required.
- 3. Data entry systems should provide definitions of gender identity in a pop-up box or glossary.

**Sharing information to health insurers.** The Gender Recognition Act is not a healthcare law, so a person's gender identity will not impact their ability to obtain healthcare coverage. At this time, the university's health insurers only accept the gender identity options of male, female or unknown.

In sharing the gender identity of individuals with health and other insurers, UC should use the following methodology:

Gender Identity		Assigned Gender Marker
if Male	- then assign	
if Trans Male/Trans Man		Male
if Female	then	
if Trans Female/Trans Woman	assign	Female
if Genderqueer or Nonbinary Gender		
if Different Identity	then	Unknown
if No Response/Decline to State	assign	Olikilowii

• Updates to gender identity information can be entered into the electronic health records directly by patients through a patient portal.

### C. Aggregate reporting on gender identity to governmental agencies

Non-university entities such as the federal government Integrated Postsecondary Education Data System (IPEDS) or Affirmative Action Reports may require aggregate University-level reports on the gender of UC students and employees in a binary format (i.e., as either male or female), or that nonbinary gender be reported as "unknown." In these situations, campus and systemwide institutional research officers should use the following methodology when completing gender reports in aggregate:

For aggregate reporting to IPEDS (students and employees)

Gender Identity		Assigned Binary Gender Marker
if Male	then assign	
<i>if</i> Trans Male/Trans Man		Male
<i>if</i> Female	then assign	Female
<i>if</i> Trans Female/Trans Woman		
if Genderqueer or Nonbinary Gender if Different Identity	then - assign	Gender assigned based on the last digit of student/employee identification code,
if No Response/Decline to State		even digits assigned female and odd digits assigned male

Federal Affirmative Action plan reporting (applicants and employees)

Gender Identity		Assigned Gender Marker
if Male	then	
if Trans Male/Trans Man	assign	Male
if Female	then assign Female	
<i>if</i> Trans Female/Trans Woman		Female
if Genderqueer or Nonbinary Gender		
if Different Identity	then	Unknown <sup>1</sup>
if No Response/Decline to State	assign	OHKHOWH

#### D. Collection of sexual orientation information

 While the collection of sexual orientation information is not required by Presidential Policy, this information may be collected for legitimate business reasons. These reasons may include the need to collect more comprehensive statistics on aggregate student outcomes or to better understand the use of support resources and services for LGBTQ students and employees.

<sup>&</sup>lt;sup>1</sup> In the case of an audit, the University may submit the underlying data of the "Unknown" category to auditors upon request.

 When collecting information about sexual orientation, forms and primary information systems should use the following question and answer format:

Question: Do you consider yourself to be:

Answer choices:

- o Heterosexual or Straight
- o Gay or Lesbian
- o Bisexual
- o Not listed above
  - Forms or information systems may include an optional open text box for "not listed above."
- Data entry systems should provide definitions of sexual orientation in a pop-up box or glossary. See definitions for suggested wording.

#### E. Lived (or preferred) names and legal names

The University recognizes that many of its students and employees <u>prefer to</u> use a lived name in place of the legal name on certain university-related records or documents. A lived name should be used whenever possible in the course of university business and education unless it is used to avoid a legal obligation or to create misrepresentation.

Therefore, university systems should permit students or employees to choose to identify themselves within the university's information systems with a lived name in addition to their legal name. A student or employee's lived name should be used in all university communications and reporting (e.g., identification card, class rosters, grade rosters, training and orientation rosters, performance appraisals, the campus directory and unofficial transcripts) except where legal names are required by law, industry standard or legitimate business needs.

Some documents and systems that may require the use of a legal name include financial aid, payroll documents, tax documents, bills for payment, or medical personnel identification and patient records. Campuses should identify all systems (including downstream systems) and processes that require legal names to be used or disclosed. When possible campuses should provide training to faculty, staff and other academic personnel in the careful use and disclosure ofto ensure that legal names are used or disclosed only pursuant to this Presidential Policy.

#### F. Additional policy guidance

- Decline to State In systems which <u>require</u> an individual to respond to selfidentification questions, include the choice "Decline to State." In systems where a response is voluntary, "Decline to State" need not be included.
- Outreach Purposes Include a consent for release of information with the text "I want to receive information about LGBTQ community and support

Commented [MOU2]: Not clear why this phrase is used rather than "unless a legal name is required by law."

Commented [MOU3]: Not clear why these additional exceptions (beyond "required by law") are recognized here but not elsewhere in the policy documents.

<sup>&</sup>lt;sup>2</sup> Examples include UCPath, UC Recruit and Talent Acquisition Management (TAM).

APPENDIX 1

services at the University of California" in student application systems. Individual contact information can be shared with campus personnel for direct service provision, as appropriate.

- Updating Personal Information Provide students, faculty, staff and other academic personnel the opportunity to update gender identity or sexual orientation at any time within the same system where they update any other directory information (e.g., address, phone number). In systems that prompt users to update their information at regular intervals (e.g., student registration systems), prompt individuals to review gender identity and sexual orientation data along with other directory information.
- Preferred or Lived Pronouns Campuses may choose to add fields for preferred or lived pronouns, so that they may be used on class rosters or correspondence.

Commented [MOU4]: Is there a reason this is optional rather than mandatory?

#### G. Definitions

For definitions used in this guidance, see Section II of the Presidential Policy on Gender Identity and (Lived) Name.

#### H. Contact

For questions, please contact Elizabeth Halimah, Associate Vice Provost for Diversity and Engagement, elizabeth.halimah@ucop.edu.

# **UCLA** Academic Senate

April 20, 2020

Kum-Kum Bhavnani Chair, Academic Council

Re: Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Chair Bhavnani,

The Divisional Executive Board met on April 16, 2020 and discussed the Proposed Presidential Policy on Gender Recognition and Lived Name. The Executive Board appreciates the intentions of the document and approves of its general aims. As it understands the Proposed Policy it takes its purpose to be allowing individuals to employ their preferred name in all UC documents while acknowledging that UC will still be obligated to provide legal names to external entities when legally required.

The Executive Board strongly objects to the use of the term "dead name" in the Policy. Although the Board again realizes that this was proposed as part of the effort to acknowledge the preferences of individuals. However, the term is inappropriate and, for many, offensive. Members suggest that the Policy use the term "legal name" instead.

Overall, the Executive Board supports the proposed presidential policy and UC's intent to allow lived names on transcripts and other university documents.

We appreciate the opportunity to opine on this proposed presidential policy. As is the divisional practice, we have appended all of the committee responses we received prior to the deadline to submit our response.

Sincerely,

Michael Meranze

Chair, UCLA Academic Senate

Encl. Committee responses

Cc: Hilary Baxter, Executive Director, Systemwide Academic Senate Joseph Bristow, Immediate Past Chair, UCLA Academic Senate April de Stefano, Executive Director, UCLA Academic Senate Mary Gauvain, Vice Chair, Systemwide Academic Senate Michael LaBriola, Assistant Director, Systemwide Academic Senate Shane White, Vice Chair/Chair Elect, UCLA Academic Senate



April 14, 2020

To: Michael Meranze, Chair

Academic Senate

From: Derjung "Mimi" Tarn, Chair

Committee on Library and Scholarly Communication

Re: Systemwide Review of Proposed Presidential Policy Gender Recognition and Lived Name

Dear Chair Meranze,

As requested, the Academic Senate Committee on Library and Scholarly Communication (COLASC), discussed the Systemwide Review of the Proposed Presidential Policy Gender Recognition and Lived Name during its meeting on April 6, 2020.

The committee reviwed the proposed policy as well as the three summary recommendations. Overall, members agree with the policy but suggest gathering the least amount of private data possible. There was a question as to why the proposed policy indicates that three equally recognized gender options will exist but that people will be given a total of six response options when asked about their gender identity. Members found the identifying questions contradictory.

In addition, members had questions concerning how the following would be handled under the policy with regard to lived versus legal names: copyrights, medical records, conferral, dissertations and theses, and scientific publications. In addition, the committee was curious to learn how IPEDS will report "male"/"female" when not marked. Will gender selection be randomly assigned based on ID number?

Thank you for the opportunity to comment on this policy. If you have any questions, please do not hesitate to contact me at <a href="mailto:dtarn@mednet.ucla.edu">dtarn@mednet.ucla.edu</a> or the Committee's analyst, Renee Rouzan-Kay, at rrouzankay@senate.ucla.edu or x62070.

Cc: Shane White, Academic Senate, Vice Chair/Chair-Elect
Joseph Bristow, Academic Senate Immediate Past Chair
April de Stefano, Executive Director
Members of the Committee on Library and Scholarly Communication



3125 Murphy Hall 410 Charles E. Young Drive East Los Angeles, California 90095

April 14, 2020

To: Michael Meranze, Chair, Academic Senate

From: Adriana Galván, Chair, Undergraduate Council

Re: Systemwide Senate Review of Proposed Presidential Policy on Gender Recognition and

**Lived Name** 

The Undergraduate Council reviewed and discussed the Proposed Presidential Policy on Gender Recognition and Lived Name at its meeting on April 10, 2020. Council members expressed general support for the proposed policy, and offered a few comments for consideration.

Members generally agreed that students should be able to choose which name should appear on academic documents such as transcripts, diplomas and/or dissertation title pages. When students request official transcripts, they may want the transcript to display their lived name or their legal name, depending on the intended use of the transcript. For example, some employers or graduate schools may not give applicants the option to provide their lived name, and may require their legal name; in such cases, a student may want the transcript to display their legal name in order to match the name that appears on their application.

Thank you for the opportunity to review and comment. If you have any questions, please contact me via the Undergraduate Council's analyst, Aileen Liu, at <a href="mailto:aliu@senate.ucla.edu">aliu@senate.ucla.edu</a>.

cc: Shane White, Vice Chair/Chair Elect, Academic Senate Joseph Bristow, Immediate Past Chair, Academic Senate April de Stefano, Executive Director, Academic Senate Lené Levy-Storms, Vice Chair, Undergraduate Council Aileen Liu, Committee Analyst, Undergraduate Council



# FACULTY EXECUTIVE COMMITTEE College of Letters and Science

A265 Murphy Hall Box 951571 Los Angeles, California 90095

**To:** Michael Meranze, Chair, Academic Senate

Fr: Jeffrey B. Lewis, Chair, College Faculty Executive Committee

**Date:** April 08, 2020

Re: College FEC Response to Revised Presidential Policy on Gender Recognition and

**Lived Name** 

The College Faculty Executive Committee (FEC) appreciates the opportunity to comment on the proposed revisions to the Presidential Policy on Gender Recognition and Lived Name. The consensus among our membership is that the proposed changes are an important and necessary step towards greater inclusivity and equity for transgender and nonbinary students. Several members expressed the hope that in the future students will be able to use their lived names on all university official documentation, including diplomas.

Given the charge of the College FEC, we carefully considered the possibility of negative repercussions upon research and teaching that would be created by the new policy. Our review also considered possible harms that the policy might create for students. This review did not surface any serious concerns about the policy.

As always, our membership appreciates the consultative process and welcomes the opportunity to participate in the discussion of important matters like this. You are welcome to contact me at <a href="mailto:jblewis@ucla.edu">jblewis@ucla.edu</a> with questions. Leigh Harris, Director of Curricular Initiatives, is also available to assist you and she can be reached at <a href="mailto:lharris@college.ucla.edu">lharris@college.ucla.edu</a>.

cc: Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives April de Stefano, Executive Director, Academic Senate Aileen Liu, Principal Policy Analyst, Undergraduate Council



April 13, 2020

To: Michael Meranze, Chair

Academic Senate

From: Andrea Kasko, Chair

**Graduate Council** 

Re: Systemwide Senate Review: Proposed Presidential Policy on Gender Recognition and Lived Name

At its meeting on April 3, 2020, the Graduate Council reviewed and discussed the Proposed Presidential Policy on Gender Recognition and Lived Name.

Members reviewed the background documents and discussed the three summary recommendations. Members are in support of the proposed policy and have no additional comments.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me via the Graduate Council analyst, Estrella Arciba, at <a href="mailto:earciba@sen-ate.ucla.edu">earciba@sen-ate.ucla.edu</a>.



April 10, 2020

Michael Meranze, Chair Academic Senate

Re: Systemwide Senate Review of the Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Professor Meranze,

At its April 8, 2020 meeting, the Committee on Teaching (COT) reviewed the Proposed Presidential Policy on Gender Recognition and Lived Name. Members reviewed the proposed policy and the summary recommendations and unanimously agree with the policy.

Thank you for the opportunity to review and comment on the proposed policy. If you have any questions, please do not hesitate to contact me at <a href="mailto:jbisley@mednet.ucla.edu">jbisley@mednet.ucla.edu</a> or the Committee analyst, Renee Rouzan-Kay, at <a href="mailto:rrouzankay@senate.ucla.edu">rrouzankay@senate.ucla.edu</a> or x60270.

Sincerely,

James Bisley, Chair Committee on Teaching

cc: Joseph Bristow, Immediate Past Chair, Academic Senate Shane White, Vice Chair/Chair-Elect, Academic Senate April de Stefano, Executive Director, Academic Senate Members of the Committee of Teaching £ 40



February 29, 2020

Michael Meranze, Chair Academic Senate

Re: Systemwide Senate Review of the Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Professor Meranze,

At its February 24, 2020 meeting, the Council on Planning and Budget (CPB) reviewed the Proposed Presidential Policy on Gender Recognition and Lived Name.

Members reviewed the background documents as well as the three summary recommendations. Overall, members agree with the policy but noted the importance of providing additional information to international students, who may not initially comprehend the cultural perspective of this proposed policy.

Thank you for the opportunity to review and comment on the proposed policy. If you have any questions for us, please do not he sitate to contact me at <a href="mailto:mcgarry@ucla.edu">mcgarry@ucla.edu</a> or via the Council's analyst, Elizabeth Feller, at <a href="mailto:efeller@senate.ucla.edu">efeller@senate.ucla.edu</a> or x62470.

Sincerely,

Kathleen McGarry, Chair

Council on Planning and Budget

Kathleen Myany

cc: Evelyn Blumenberg, Vice Chair, Council on Planning and Budget
Joseph Bristow, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Analyst, Council on Planning and Budget
Shane White, Vice Chair/Chair-Elect, Academic Senate
Members of the Council on Planning and Budget

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

OFFICE OF THE ACADEMIC SENATE TOM HANSFORD, CHAIR senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-7930

**April 8, 2020** 

Kum-Kum Bhavnani, Chair, Academic Council

Re: New Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Chair Bhavnani:

The new Presidential Policy on Gender Recognition and Lived Name was distributed for review and comment to the UC Merced Senate Committees for Diversity and Equity (D&E), Faculty Welfare and Academic Freedom (FWAF), Graduate Council (GC), Undergraduate Council (UGC), and to the School Executive Committees<sup>2</sup>.

FWAF, GC, and the School of Natural Sciences Executive Committee endorsed the proposed policy.

D&E offers some comments for consideration by the Academic Council.

The committees' comments are appended to this memo.

The Merced Division thanks you for the opportunity to opine.

Sincerely,

Tom Hansford

Chair, UCM Divisional Council

CC: Divisional Council

Hilary Baxter, Executive Director, Systemwide Academic Senate Fatima Paul, Interim Executive Director, Merced Senate Office

Encl (4)

<sup>1</sup> UGC declined to comment.

<sup>&</sup>lt;sup>2</sup> The Schools of Engineering and Social Sciences, Humanities and Arts declined to comment.

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM CAROLIN FRANK, CHAIR cfrank3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-4369

#### March 20, 2020

To: Tom Hansford, Chair, Divisional Council

From: Carolin Frank, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: Proposed Presidential Policy on Gender Recognition and Lived Name

The Committee on Faculty Welfare and Academic Freedom (FWAF) has reviewed the proposed Presidential Policy on Gender Recognition and Lived Name.

FWAF is pleased to endorse the proposed policy.

cc: Senate office

Enclosed (1)

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

OFFICE OF THE ACADEMIC SENATE LEROY WESTERLING, CHAIR, GRADUATE COUNCIL lwesterling@ucmerced.edu UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-6312

**MARCH 20, 2020** 

TO: TOM HANSFORD, CHAIR, DIVISIONAL COUNCIL

FROM: LEROY WESTERLING, CHAIR, GRADUATE COUNCIL

RE: PROPOSED PRESIDENTIAL POLICY ON GENDER RECOGNITION AND LIVED NAME

The Graduate Council (GC) has reviewed the proposed Presidential Policy on Gender Recognition and Lived Name.

GC is pleased to endorse the proposed policy.

CC: Graduate Council Senate Office

Encl (1)

## UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

SCHOOL OF NATUAL SCIENCES

UNIVERSITY OF CALIFORNIA, MERCED 5200 N. LAKE ROAD BLDG A MERCED, CA 95343

March 23, 2020

To: Tom Hansford, Chair, Merced Division of the Academic Senate

From: Kevin Mitchell, Chair, Natural Sciences Executive Committee

Re: Systemwide Senate Review: Proposed New Presidential Policy on Gender Recognition and Lived Name

The SNS Executive Committee has reviewed the proposed policy on gender recognition and lived name. The policy seems straightforward and reasonable. We support the policy and have nothing further to add.

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION COMMITTEE FOR DIVERSITY AND EQUITY

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-7930

March 16, 2020

To: Tom Hansford, Senate Chair

From: Committee for Diversity and Equity (D&E)

Re: Proposed Presidential Policy on Gender Recognition and Lived Name

On March 2, 2020, members of the Committee for Diversity and Equity (D&E) discussed the Proposed Presidential Policy on Gender Recognition and Lived Name. D&E members found the proposed policy to be well-articulated and thoughtful.

At the same time, D&E members considered that it is of great importance to specify whether and when the new policy might be applied to documents for which legal names are currently used but not federally required, such as transcripts, diplomas and/or dissertation title pages. This question is addressed in Page 7 of the proposed policy (as the last question in the Q&A section). D&E recommends that this question be resolved before the proposed policy implementation date of July 1, 2021.

In addition, questions were raised as to whether the "university information systems" include electronic application portals for prospective students, staff, and faculty, or only for those individuals whose entry into "an academic or professional relationship with the University of California" has been confirmed. Concerns were expressed that the request to state the nonbinary gender identity might be considered invasion into one's privacy, although the option of "prefer not to state" might mitigate these concerns.

The Committee for Diversity and Equity appreciates the opportunity to opine.

CC: D&E members
Fatima Paul, Interim Executive Director
Senate Office

#### UNIVERSITY OF CALIFORNIA, RIVERSIDE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED● RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

CHAIR, ACADEMIC SENATE RIVERSIDE DIVISION UNIVERSITY OFFICE BUILDING, RM 225 DYLAN RODRIGUEZ PROFESSOR OF MEDIA & CULTURAL STUDIES RIVERSIDE, CA 92521-0217 TEL: (951) 827-6193

EMAIL: DYLAN.RODRIGUEZ@UCR.EDU

April 21, 2020

Kum-Kum Bhavnani, Chair, Academic Council 1111 Franklin Street, 12th Floor Oakland, CA 94607-5200

RE: (Systemwide Senate Review) Proposed Policy: Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Kum-Kum:

I write to communicate the UCR Division's consultative input on the Proposed New Presidential Policy on Gender Recognition and Lived Name. The UCR Executive Council met and discussed this matter during its regularly scheduled meeting of April 13, 2020. Chairs of consulting committees restated the content of their committees' feedback, and Executive Council chose to add nothing additional to this body of comments other than to emphasize that it seems the proposed date of implementation is not feasible. Two committee responses are worth noting: the Committee on Academic Personnel is concerned that personnel files be appropriately updated in a manner that does not unintentionally exclude past research, teaching, and service records from the merit/promotion files of colleagues who have taken on a lived name. Further, the Executive Committee of the Bourns College of Engineering notes a number of logistical issues, including potential grievance processes, that must be addressed if the proposed policy is to be a sound one.

As always, the UCR Division of the Academic Senate appreciates this opportunity to provide insight on an important proposed new policy.

Peace

dylan

Dylan Rodríguez

Professor of Media & Cultural Studies and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate Cherysa Cortez, Executive Director of UCR Academic Senate Office



April 6, 2020

To: Dylan Rodriguez, Chair

Riverside Division of the Academic Senate

From: Dmitri Maslov, Chair D. Maslan

Committee on Academic Freedom (CAF)

Re: Proposed New Presidential Policy on Gender Recognition and Lived Name

The Committee on Academic Freedom considered the document "19-20. SR. Proposed New Presidential Policy on Gender Recognition and Lived Name" submitted for a systemwide review on February 19, 2020.

The proposed changes do not infringe on Academic Freedom. Moreover, the changes can expand and protect the Freedom.

The policy favors the use of a lived name, rather than the official name, in various aspects of academic life. This is a welcome development, as in some situations it can be envisioned that the use of an official name (which can reveal the gender at birth, the ethnic or national origin and other personal characters) can hamper the research or even jeopardize the researcher.



February 28, 2020

To: Dylan Rodriguez

Riverside Division Academic Senate

From: Sherryl Vint, Chair

Committee on Academic Personnel

Re: Proposed New Presidential Policy on Gender Recognition and Lived

Name

CAP discussed the proposed New Presidential Policy on Gender Recognition and Lived Name at its meeting on February 26, 2020. CAP is in support of the policy and the greater equity that its adoption represents for faculty members. CAP has already adopted the policy of writing its minutes without any use of gendered pronouns. In regard to the new policy, while the Committee appreciates the need for confidentiality regarding the "dead name" on official documents, CAP also was concerned about how a senate member's academic accomplishments were to be documented in light of this policy change. It may be the case that some of a faculty member's publications were produced and credited using the "dead name." CAP has no objections to the new policy, but it wants to ensure that this issue is acknowledged and taken into account during implementation to ensure that academic personnel files provide complete and accurate information, even if this means including the "dead name" in personnel action documentation.



March 20, 2020

To: Dylan Rodriguez

Riverside Division Academic Senate

From: Abhijit Ghosh, Chair

Committee on Faculty Welfare

Re: Proposed New Presidential Policy on Gender Recognition and Lived Name

The Committee on Faculty Welfare (CFW) has been asked provide feedback on the proposed Presidential policy on gender recognition and lived name. CFW is unanimously supportive of the new policy. The committee, however, wants to stress the importance to provide students, employees, alumni and affiliates clear and easy-accessible instructions (e.g., on-line) on how to amend their gender designation and lived names on university-issued documents and information systems. As an example of information discourse, please see <a href="https://www.oxy.edu/student-handbook/general-college-policies/lived-name-pronoun-policy">https://www.oxy.edu/student-handbook/general-college-policies/lived-name-pronoun-policy</a>



#### **Committee on Committees**

March 25, 2020

To: Dylan Rodriguez, Chair

Riverside Division

From: Wenbo Ma, Chair

Committee on Committees

Re: Systemwide Review of Proposed Presidential Policy Gender Recognition and Lived Name

The Committee on Committees has reviewed the proposed Presidential Policy on Gender Recognition and Lived Name and has no objections. The Committees noted they might be able to use this as another category to indicate diversity during its nomination and selection process for Senate faculty representation.



## COMMITTEE ON DIVERSITY, EQUITY, AND INCLUSION

April 6, 2020

To: Dylan Rodriguez

Riverside Division Academic Senate

From: Xuan Liu, Chair

Committee on Diversity, Equity, and Inclusion

Re: Proposed New Presidential Policy on Gender Recognition and Lived

Name

The Committee on Diversity, Equity and Inclusion (CODEI) reviewed the proposed New Presidential Policy on Gender Recognition and Lived Name at its April 2 meeting. We support the proposal and applaud the university's move toward more inclusivity and beyond a gender binary. We also encourage the administration to consult with academic specialists that are experts in this area before implementing such a policy.



March 19, 2020

To: Dylan Rodriguez, Chair

**Riverside Division** 

From: Leonid Pryadko

Committee on Library and Information Technology

Re: 19-20. SR. Proposed New Presidential Policy on Gender Recognition and Lived

Leouid Pyondles

Name

The Committee on Library and Information Technology reviewed the Proposed New Presidential Policy on Gender Recognition and Lived Name and did not note any concern relating to the Committee's charge of Library and Information Technology.



#### Marlan and Rosemary Bourns College of Engineering

446 Winston Chung Hall 900 University Avenue Riverside, CA 92521

April 6, 2020

TO: Dylan Rodriguez, Chair

Academic Senate

FROM: Philip Brisk, Chair

**BCOE** Executive Committee

RE: Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Dylan,

The BCOE Executive Committee reviewed the Proposed New Presidential Policy on Gender Recognition and Lived Name.

While the Committee is supportive of the proposal in spirit, there is some concern over both the language of the policy itself and how the policy would be implemented.

The policy summary mandates that "The legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name." The term "documents" is rather vague. "Official documents" are readily understandable, but there are also numerous "informal documents" which could create significant complications in terms of how the policy could be implemented.

The policy does not prescribe a grievance process in the event that a legal name is either intentionally or unintentionally disclosed.

The policy does not clearly articulate responsibility and liability for policy violations. As an example, suppose that an instructor of a course reads aloud the names of the enrolled students in a course from a printed document, and that this document includes the legal name of a student who uses a lived name. Has the instructor violated the policy, and, if so, what is the consequence? Or does responsibility flow to the person who created the list (if done manually), the information technology system administrator(s), etc.?

The policy will also create an immense burden on any individual staff member who is tasked with altering a legal name to the lived name. Using a faculty member as an example, the official documents, such as relating to payroll and healthcare, are relatively straightforward. But the unofficial documents could become onerous, and almost impossible to track down. For example, there may be numerous old and stale webpages from years or decades past, within the faculty member's School or College that would need to be tracked down. Moreover, there may be web-related content hosted by other Schools or Colleges, which the staff member cannot edit directly.

Going further, what about official technical reports that were filed with the university, possibly decades ago? What about M.S. and Ph.D. theses and books that the faculty member authored, which are now residing in one or more libraries across multiple UC campuses? Does the policy extend to microfilm? Etc. Realistically, the above examples are just the tip of the iceberg in terms of documents that exist for an individual, and the policy needs to consider what documents can and cannot feasibly be updated.

In summary, when scrutinized, the policy seems impossible to implement unless its scope is narrowed to what is both reasonable and feasible.

The University's intent to fully implement the policy by UC campuses and locations by July 1, 2021 does not seem even remotely realistic.

We note that in the appendix provided, there is a paragraph with language that is not consistent with the language in the summary. The language in the appendix raises less concern.



## UNIVERSITY OF CALIFORNIA, RIVERSIDE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



EXECUTIVE COMMITTEE: COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

February 27, 2020

TO: Dylan Rodriguez, Chair

Academic Senate

FROM: Lucille Chia, Chair Luille Chia

**CHASS Executive Committee** 

RE: Proposed Policy: Proposed New Presidential Policy on Gender Recognition and Lived

Name

The CHASS Executive Committee discussed the Proposed Policy: Proposed New Presidential Policy on Gender Recognition and Lived Name at the regular meeting on February 26, 2020. There were no objections and our committee approved the proposed policy.



April 7, 2020

To: Dylan Rodriguez, Chair

Riverside Division

From: Louis Santiago, Chair, Executive Committee

College of Natural and Agricultural Science

Re: Proposed New Presidential Policy on Gender Recognition and Lived Name

low Souty

The CNAS Executive Committee discussed the Proposed New Presidential Policy on Gender Recognition and Lived Name today. Members of the committee thought that it made sense, but there was little comment and opinion. This decision may be outside of our jurisdiction.

School of Medicine Division of Biomedical Sciences Riverside, CA, 92521

April 8, 2020

**To:** Dylan Rodriquez, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Subject: SOM FEC Comments on Proposed Presidential Policy Gender Recognition and Lived

Name

Dear Dylan,

The School of Medicine Faculty Executive Committee has reviewed the Systemwide Review of Proposed Presidential Policy Gender Recognition and Lived Name. We are in favor of this recommendation but would like to highlight that <u>sole</u> inclusion of a Lived name rather than a legal/birth name on a degree could potentially act as a major impediment to individuals who take jobs in states or countries with different regulations than California. SOM FEC feels that it is important that the UC makes it easy for people to obtain their degrees in both lived and legal name if required to by a state or country with different regulations. This accommodation might also be pertinent if people need to produce their birth certificate for documentation along with their degree when seeking employment, bank loans, mortgage approval etc.

Yours sincerely,

Declan F. McCole, Ph.D.

Dellar Milde

Chair, Faculty Executive Committee

School of Medicine

#### UNIVERSITY OF CALIFORNIA, SANTA BARBARA



BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE Santa Barbara Division 1233 Girvetz Hall Santa Barbara, CA 93106-3050

(805) 893-4511 http://www.senate.ucsb.edu Henning Bohn, Chair

April 22, 2020

To: Kum-Kum Bhavnani, Chair

Academic Council

From: Henning Bohn, Chair Henning Bohn, Academic Senate

Systemwide Review of Proposed Presidential Policy: Gender Recognition and Lived Name Re:

The Santa Barbara Division delegated its Committee on Diversity and Equity (CDE) to review the proposed Presidential Policy: Gender Recognition and Lived Name. The Committee appreciates the attention that has been given to providing students and employees with gender recognition and lived name options both on UC documents and within UC information systems. The majority of CDE members fully supported the proposed policy, although questions were raised by two individuals regarding the necessity and purpose of collecting such data.

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

1156 HIGH STREET SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate SANTA CRUZ DIVISION 125 CLARK KERR HALL (831) 459 - 2086

April 20, 2020

KUM-KUM BHAVNANI, Chair Academic Council

Re: Systemwide Review of Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Kum-Kum,

The Santa Cruz Division has reviewed and discussed the proposed Presidential Policy on Gender Recognition and Lived Name. Our Committees on Affirmative Action and Diversity (CAAD), Faculty Welfare (CFW), Privilege and Tenure (P&T), and Rules, Jurisdiction, and Elections (RJ&E) have responded. Overall, the Division strongly supports streamlining the process for students and employees to retroactively amend their gender designation and lived name in university records, and the stipulation that legal names, when different from lived names, must be kept confidential. The Division finds no issue of conformance with existing policy, but raises the following questions and recommendations to be addressed in further revisions to the draft.

The Santa Cruz Division recognizes the essential need to track gender for purposes of reporting and to assure and promote equity. However, responding committees note that the proposed policy fails to note the various purposes for which the data may be used and should speak to the intended purpose for data collection and ensure protection for those being represented. Further, there is no statement in the proposed policy regarding privacy or whether or not individuals may elect to have their information kept confidential. As such, we recommend that the draft policy be revised to include a clear statement regarding circumstances in which legal names must be employed and what measures will be taken to ensure that legal names will be kept confidential.

Although we appreciate the inclusiveness of adding "nonbinary" to the existing gender options on internal university-issued documents and information systems in Section B of the draft appendix, responding committees raise concerns about the limited categories used for external reporting, as in the cases of health insurers and government agencies, for instance. and ask whether there might be problematic repercussions for a potential difference between a broader array of identification options for UC employees and students and a much narrower array of options for external reporting. Finally, one responding committee expressed discomfort regarding the requirement to label a third gender identity category as "unknown" for aggregate reporting to non-university entities. The Division encourages the UC to press for more nuanced and inclusive categories and labels for external reporting, which reflect the gender categories adopted for internal UC reporting.

Thank you for the opportunity to comment on this proposed policy.

Sincerely,

Kimberly Lau, Chair

Academic Senate, Santa Cruz Division

Enc: CAAD to ASC re Proposed New Presidential Policy on Gender and Lived Name

CFW to ASC re Presidential Policy on Gender and Lived Name

P&T to ASC re Proposed Presidential Policy on Gender and Lived Name

RJE to ASC re Gender and Lived Name

cc: Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity

Grant McGuire, Chair, Committee on Faculty Welfare Julie Guthman, Chair, Committee on Privilege and Tenure

Dave Belanger, Chair, Committee on Rules, Jurisdiction, and Elections

April 9, 2020

Kimberly Lau, Chair Academic Senate

#### Re: Review of Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Kim,

The Committee on Affirmative Action and Diversity (CAAD) reviewed the proposed Presidential Policy on Gender Recognition and Lived Name. We particularly appreciate the inclusiveness of adding "non-binary" to the existing gender options "male" and "female" on university-issued documents and information systems. CAAD also supports streamlining the process for students and employees to retroactively amend their gender designation and lived name within the university's record-keeping systems, as well as the stipulation that legal names, when different from lived names, must be kept confidential.

Please see CAAD's questions about the new policy below:

- 1. What are the potential risks of mapping gender option categories as suggested in the policy when reporting to external institutions, such as health insurers and governmental agencies?
- 2. Might there be any problematic repercussions for having a difference between a broader array of identification options for employees and students, and the much narrower array of options that we report?
- 3. We recommend the university adopt a clear statement regarding the circumstances in which legal names must be employed. What measures will be taken to ensure that legal names will be kept confidential?

Thank you for the opportunity to respond on this matter.

Sincerely,

\s\

Elizabeth Abrams, Chair Committee on Affirmative Action and Diversity

cc: David Belanger, Chair, Committee on Rules, Jurisdiction and Elections Julie Guthman, Chair, Committee on Privilege and Tenure Grant McGuire, Chair, Committee on Faculty Welfare

April 13, 2020

Kimberly Lau, Chair Academic Senate, Santa Cruz Division

# Re: Systemwide Review of Proposed Presidential Policy Gender Recognition and Lived Name

Dear Kim,

During its meeting of April 2, 2019, the Committee on Faculty Welfare (CFW) reviewed the proposed Presidential Policy on Gender Recognition and Lived Name. CFW appreciates the desire to create policy and processes around gender identity and lived name to better serve and protect the interests of all UC community members, and raised the following questions and/or concerns.

CFW recognizes the need to track gender for purposes of assuring and promoting equity on campus. But we would like further information as to the various purposes this data can, will, and should serve in the future. If this information is to be collected and assessed, we wish to ensure the protection of those being represented.

There is no statement in the proposed policy regarding privacy or whether or not individuals may elect to have their information kept private/confidential. We recognize that students are particularly vulnerable to personal, familial, social, and workplace consequences as a result of gender information becoming public. In some cases, this could be an issue for faculty as well. CFW therefore recommends that privacy concerns be addressed in a revised draft of the proposed policy.

CFW further notes that providing a mechanism for students to communicate both their preferred name and gender is central to the classroom learning experience for both students and faculty. Section F of the Appendix proposes that campuses may choose to add fields for preferred or lived pronouns so that they may be used on class rosters. Members noted that the current roster system provides an option to print a roster with male/female labels. CFW questions whether this tool could be edited to reflect preferred pronoun instead of sex.

Section C of the Appendix notes that for Federal Affirmative Action plan reporting, the third category will be labeled as "unknown." CFW notes that members are uncomfortable with counting individuals as "unknown" and encourages the UC to secure a way to label this third category differently in its reporting.

Overall, we acknowledge that the thrust of these changes is the need to map more complicated gender categories into a few defined categories, but we hope the UC encourages the reporting agencies to develop a more nuanced view of gender.

We thank you for the opportunity to opine.

Sincerely, /s/ Grant McGuire, Chair Committee on Faculty Welfare

cc: Elizabeth Abrams, Chair Committee on Affirmative Action and Diversity Julie Guthman, Chair, Committee on Privilege and Tenure Dave Belanger, Chair, Committee on Rules, Jurisdiction, and Elections

February 26, 2020

KIMBERLY LAU, Chair Academic Senate, Santa Cruz Division

Re: Proposed New Presidential Policy on Gender Recognition and Lived Name

Dear Kim,

We are writing to confirm that the Committee on Privilege and Tenure has reviewed the Proposed Presidential Policy on Gender Recognition and Lived Name(s) in their meeting February 26, 2020. P&T agrees that the University of California should ensure that all individuals have university-issued identification documents that recognize their accurate gender identity and lived name.

The committee noted that this policy provides useful context for cases in which a dead name (referred to as legal name if unchanged, in the policy proposal) is unfortunately used (examples such as financial aid, payroll documents, tax documents, bills for payment, or medical personnel identification and patient records).

Sincerely, Julie Guthman, Chair

,

Committee on Privilege and Tenure

cc: Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity Grant McGuire, Chair, Committee on Faculty Welfare Ken Pedrotti, Chair, Rules, Jurisdiction & Elections

April 2, 2020

Kimberly Lau, Chair Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy Gender Recognition and Lived Name

Dear Kim,

During its meeting of March 31, 2020, the Committee on Rules, Jurisdiction, and elections (RJ&E), reviewed the proposed Presidential Policy Gender Recognition and Lived Name. The committee found no issue of conformance with existing policy. The committee did note, that in light of the new policy, the Senate may wish to consider whether or not the Policy should apply to its own records, such as meeting minutes. Members observe that this class of records may be "downstream" and exempt for any required alteration due to a name change; however, the Senate may wish to keep their records consistent with other campus records.

Sincerely, /s/ David Belanger, Chair Committee on Rules, Jurisdiction, and Elections

cc: Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity Grant McGuire, Chair, Committee on Faculty Welfare Julie Guthman, Chair, Committee on Privilege and Tenure BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE LA JOLLA, CALIFORNIA 92093-0002 TELEPHONE: (858) 534-364 FAX: (858) 534-4528

April 21, 2020

Professor Kum-Kum Bhavnani Chair, Academic Senate University of California 1111 Franklin Street, 12<sup>th</sup> Floor Oakland, CA 94607

Re: Proposed UC Gender Recognition Policy & Lived Name Policy

Dear Professor Bhavnani:

The Proposed UC Gender Recognition Policy & Lived Name Policy was circulated to Divisional standing Senate committees for review. Responses were received from the committees on Faculty Welfare (CFW) and Diversity and Equity (CDE). The proposed policy was discussed at the Divisional Senate Council meeting on April 13, 2020. Senate Council unanimously endorsed the policy.

Sincerely,

Maripat Corr, Chair

San Diego Divisional Academic Senate

Cc: Steven Constable, Vice Chair, San Diego Divisional Academic Senate Ray Rodriguez, Director, San Diego Divisional Academic Senate Hilary Baxter, Executive Director, Systemwide Academic Senate





Office of the Academic Senate 500 Parnassus Ave, MUE 230 San Francisco, CA 94143-0764 Campus Box 0764 tel.: 415/514-2696

academic.senate@ucsf.edu https://senate.ucsf.edu

Sharmila Majumdar, PhD, Chair Steven Cheung, MD, Vice Chair Vineeta Singh, MD, Secretary Jae Woo Lee, MD, Parliamentarian April 22, 2019

Kum-Kum Bhavnani, PhD Chair, Academic Council Systemwide Academic Senate University of California Office of the President 1111 Franklin St., 12<sup>th</sup> Floor Oakland, CA 94607-5200

Re: Comments on the Report from the Standardized Testing Task Force

Dear Kum-Kum:

The San Francisco Division of the Academic Senate has reviewed the University of California draft Presidential Policy on Gender Identity and Lived Name. As we understand it, this policy includes the following key issues:

- The University must provide three equally recognized gender options on university-issued documents and information systems female, male and nonbinary.
- The University must provide an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems.
- The legal name of university students, employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name.

While we agree on the importance of this policy at this time, UCSF's Graduate Council has commented that trans-inclusive language is incredibly important and it is crucial for University of California to get it right. For example, the definition for "transgender" in the current proposed policy is wrong. Towards that end, the enclosed Graduate Council letter includes a list of amended definitions that would improve the final version of this policy. Please consult that letter and include those definitions in the final Academic Council letter on this policy

Thank you for the opportunity to comment on this important policy. If you have any questions, please let me know.

Sincerely,

Sharmila Majumdar, PhD, 2019-21 Chair

**UCSF Academic Senate** 

Enclosures (1)

Cc:

Dyche Mullins, PhD, UCSF Graduate Council Chair





April 20, 2020

Professor Sharmila Majumdar, PhD Chair, UCSF Academic Senate

RE: Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Chair Majumdar,

Graduate Council has reviewed and discussed the <u>Proposed Presidential Policy on Gender Recognition</u> <u>and Lived Name</u>. We support the intention of the policy which is to promote respect and protect the dignity of all people.

After conferring with people who would be affected by this policy change we offer these comments in the spirit of informed inclusivity.

Trans-inclusive language is incredibly important and it is crucial for University of California to get it right. The definition for "transgender" in the current proposed policy is wrong. Based on our conversations with people, we advocate for these changes to the proposed policy.

Amended definitions, changes in bold:

Bisexual: A person whose sexual **and/or** affectional orientation can be toward people of their own or other genders.

Cisgender: Denotes or relates to a person whose gender identity corresponds with their sex designated at birth.

Dead name: A name that a transgender person **no longer uses.** 

Gay: A sexual **and/or** affectional orientation toward people of one's own gender.

Gender identity: **The gender(s), if any, a person identifies with.** An individual's gender **is their gender identity**, which can be the same or different from their **sex assigned at birth.** 

Genderqueer/gender-nonconforming: A person whose gender identity and/or gender expression falls outside of **dominant social norms.** [Note: many cultures have traditionally included third gender, Two Spirit and other nonbinary genders and expansive gender expressions, so "traditional gender norms" is not appropriate here.]

Heterosexual or straight: A sexual **and/or affectional orientation toward people of another gender.** 

Legal name: **A name appearing on a government-issued document.** [Note, trans people OFTEN have different names and gender markers appearing on different documents.]

Lesbian: A woman whose **[OMIT PRIMARY]** sexual **and/or** affectional orientation **includes** toward **women**.

Nonbinary gender: An umbrella term for **genders other than feminine or masculine**, including genders with aspects of both or neither. Nonbinary people may identify as agender, genderqueer, genderfluid,

Two Spirit, **[OMIT TRANSGENDER]** bigender, pangender, gender-nonconforming or gender variant.

Pansexual: A sexual and/or affectional orientation toward people of all genders [omit: and sexes].

Sexual orientation: A descriptor for the gender(s) of people with whom a person is interested in a sexual relationship.

Affectional orientation: A descriptor for the gender(s) of people with whom a person is interested in a romantic relationship.

Transgender woman/trans woman: A woman who was assigned male sex at birth.

Transgender man/trans man: A man who was assigned female sex at birth.

Transgender/trans: An adjective describing a person whose gender differs from their sex assigned at birth. A trans person may take social, medical and/or legal steps to transition. A person may identify as trans before/without taking any steps to transition, as gender is self-assessed and not based on social, medical or legal recognition. Transgender is not a category of gender but rather a descriptor of personal history of dissonance between assigned and self-assessed gender.

Sincerely,

Dyche Mullins, PhD Chair, Graduate Council UCSF Academic Senate

2019-2020

#### UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP) John Serences, Chair jserences@ucsd.edu

Assembly of the Academic Senate 1111 Franklin Street, 12<sup>th</sup> Floor Oakland, CA 94607-5200 Phone: (510) 987-9466 Fax: (510) 763-0309

Monday, April 20, 2020

## RE: Response to proposed "Presidential Policy on Gender Recognition and Lived Name"

Dear Kum-Kum,

At our April 6th 2020 meeting, UCEP discussed the proposed changes to the use of lived names at the UC.

While we were generally supportive of the changes and thank Vice Provost Gullatt for working on this important issue, we were concerned that the policy does not clearly articulate when a legal vs. lived name would be used on documents or in UC information systems.

The scope of materials that require the use of a legal name is stated on page 7 of the Q&A:

This *may include*, *but is not limited to* the following [emphasis added]:

- Financial aid documents
- Payroll records
- Medical personnel identification and patient records
- Federal immigration documents
- Tax forms (i.e., W2, 1095C, 1099)

Without clarity about the legal requirements to use a legal/lived name, this policy may unintentionally compromise an individual's right to privacy. This may be particularly true for an individual who is just starting to personally explore identity changes but who may want a new lived name to be shared in a limited manner.

A second concern is with the term "retroactively" in the policy language on page 5 and elsewhere:

The University must provide ... an efficient process for students and employees to retroactively amend their gender designations and lived names on university-issued documents and in information systems.

We assume that this language was adopted to protect an individual's privacy so that others can't find out information about their personal past that they do not want to share. If this is indeed the intention, then it may help to explicitly articulate the rationale.

UCEP also felt that the word "retroactively" needs to be more clearly defined. Does it mean that moving forward, a student who graduated at any time in the past can now request retroactive changes? Or does it

mean going forward, currently enrolled students can seek retroactive changes from when they enrolled (e.g. they are a junior, enrolled with another name, now want their preferred name on the record and transcripts etc). The former interpretation may pose a significant logistical and economic challenge — and might reasonably be associated with a change fee — while the latter may be easier to implement without a change fee as part of the normal student record keeping while they are enrolled. In either case, an accounting of projected costs should be provided.

Thank you again for your efforts.

Sincerely,

John Serences, Chair UCEP

jserences@ucsd.edu

#### UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP) John Serences, Chair jserences@ucsd.edu

Assembly of the Academic Senate 1111 Franklin Street, 12<sup>th</sup> Floor Oakland, CA 94607-5200 Phone: (510) 987-9466 Fax: (510) 763-0309

Thursday, April 9, 2020

#### **RE:** Use of lived names on diplomas

Dear Kum-Kum,

In Spring 2019, Ex-Chair May initiated a discussion about allowing the use of preferred (lived) names on diplomas. Earlier this academic year UCEP initiated a discussion of this topic: UCEP members endorse the use of lived names on diplomas, and we offer the following guidance as a first step in developing new policy.

- UCEP members endorse the use of lived names on diplomas, and we offer the following guidance as a first step in developing new policy.
- While UCEP is in favor of supporting students who wish to use lived names on their diploma, students should be aware that there may be unintended consequences including financial aid, social security, etc. One solution would be to host a webpage that explains all of the potential consequences (with input from lawyers/administrators to make sure that a comprehensive set of considerations is outlined). Another option is to provide university-centered support to help students navigate the process of legally changing their name.
- Similarly, procedures should be put in place by the UC to verify a student's legal name before any changes are entertained, and UC General Counsel should carefully consider any legal ramifications for the UC if a lived, as opposed to legal, name is used on a diploma.
- In any case, it is important that a preferred name diploma is only issued if a student explicitly makes a request. This is the case even if a preferred name is used on internal university records the default should always be to use the legal name on the diploma or any public-facing documents/records. This is important to protect the identity of students who use chosen names as a way to personally explore identity changes but who do not want this name to be shared more broadly.
- Any policy changes should ensure that students do not obtain multiple copies of the same diploma under different names.
- Finally, this matter may not be solely under the jurisdiction of the Academic Senate. Standing order 110.3.c. of the Board of Regents (regarding name, and re-issuance of diplomas) is interpreted by

some campuses such as UCM as prohibiting the use of lived names on a diploma, so clarification around the implementation of 110.3.c. would likely be required.

Thank you for your consideration of this issue.

Sincerely,

John Serences, Chair UCEP

jserences@ucsd.edu

#### UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW) Jean-Daniel Saphores, Chair saphores@uci.edu

Assembly of the Academic Senate 1111 Franklin Street, 12<sup>th</sup> Oakland, CA 94607-5200 Phone: (510) 987-9466 Fax: (510) 763-0309

April 22, 2020

## KUM-KUM BHAVNANI, CHAIR ACADEMIC COUNCIL

RE: Proposed Presidential Policy on Gender Recognition and Lived Name

Dear Kum-Kum,

The University Committee on Faculty Welfare (UCFW) has reviewed the proposed presidential policy on gender recognition and lived name, and we agree with the welfare intent of this proposal (enabling the alignment of official (*de jure*) and individual (*de facto*) self-identities). Thus, UCFW interprets the proposed policy as an instrument for signaling UCOP's support of such practices while trying to achieve functional consistency in their implementation. Additional details on specific procedures to be followed by individuals, offices, and academic units in implementing the policy would further strengthen the proposal.

Sincerely,

Jean-Daniel Saphores, UCFW Chair

Copy: UCFW

Hilary Baxter, Executive Director, Academic Senate

### UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION, DIVERSITY, AND EQUITY (UCAADE)
Mona Lynch, Chair
lynchm@uci.edu

ACADEMIC SENATE University of California 1111 Franklin Street, 12<sup>th</sup> Floor Oakland, California 94607-5200

April 23, 2020

### KUM-KUM BHAVNANI CHAIR, ACADEMIC COUNCIL

## Re: UCAADE's Comments on the Proposed Presidential Policy Gender Recognition and Lived Name

Dear Kum-Kum,

I am writing on behalf of the University Committee on Affirmative Action, Diversity, and Equity (UCAADE) to share our comments on the Proposed Presidential Policy Gender Recognition and Lived Name. We support the new policy and appreciate the efforts made to ensure all members of the UC community are represented in our information systems. We have a few suggestions to improve the user experience and to ensure success with these new system options.

- 1. In the Policy Appendix, Section F (p. 5), the guidance suggests: "**Decline to State** In systems which require an individual to respond to self- identification questions, include the choice "Decline to State." In systems where a response is voluntary, "Decline to State" need not be included." In this case, there was a concern that not offering the "decline to state" alternative when the response was voluntary may still feel pressured to make a choice, or may not realize that it is a voluntary item. Therefore, we suggest keeping the "decline to state" option even on voluntary items.
- 2. Committee members noted that people who filled out forms on gender or sexual orientation would be asked if they wanted more information on LGBT community and support services (Appendix, Section F, pp. 5-6). This raised a question about whether there are equivalent questions for other potential community groups that may be tied to the information gathering systems. One concern would be that if only targeted on gender identity and/or sexual orientation, it may be interpreted as perhaps privileging these identities over others, and/or singling out gender issues as ones for intervention.

Thank you for the opportunity to comment on this policy.

Sincerely,

Mona Lynch Chair, UCAADE