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# Supporting Transgender and Gender Nonconforming Students



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## Introduction

This document provides recommendations on how to support transgender and gender nonconforming students, and outlines promising practices to ensure that all students are safe, included, and respected on campus, regardless of their gender identity or expression – including transgender and gender nonconforming students. Dr. Sue Rankin and others have concluded that how students experience their campus environment influences both learning and developmental outcomes, and that discriminatory environments have a negative effect on student learning. Research supports the value of a diverse student body and faculty on enhancing learning outcomes.

Quite simply, students thrive in healthy environments, free of the negativity of discrimination, where inclusion and respect for diversity is the daily norm.

This document is meant to be adaptable to the specific needs of a campus. These recommendations were developed by referring to the Gay, Lesbian & Straight Education Network (GLSEN) *Model district policy on transgender and gender nonconforming students*, the Consortium of Higher Education LGBT Resource Professionals *Suggested best practices for supporting trans students*, the Consortium of Higher Education LGBT Resource Professionals/Lambda Legal's *Transgender rights toolkit: Transgender college students*, and guidance provided by the federal government.

## Definitions

**Sexual Orientation:** A person's romantic, affectional, or sexual attraction to people of the same, opposite, or multiple genders. Transgender and gender nonconforming people may have any sexual orientation.

**Gender expression:** The manner in which a person represents or expresses gender, often through behavior, clothing, hairstyle, etc.

**Gender identity:** A person's sense of their own gender, which can include female, male, another gender, or no gender. One's gender identity can be the same or different than the sex assigned at birth. Determining an individual's gender identity rests with each individual. The age at which individuals come to understand and express their gender identity may vary based on each person's social, cultural, and familial development.

**Transgender:** An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. The term is frequently shortened to "trans."

**Transition:** The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps than an individual must undergo in order to have their gender identity affirmed and respected.

**Gender nonconforming:** A term for people whose gender expression differs from stereotypical expectations, such as “tomboys” or “effeminate” boys, and those perceived as gender ambiguous. This includes people who identify outside traditional gender categories or identify as multiple genders.

**Non-binary/genderqueer:** Terms used by those who identify with neither, both, or a combination of genders.

**Pronouns:** Respecting someone’s self-identification means using the pronouns with which they identify and the name they provide. It is good practice to ask which pronouns a person uses (for example: he, she, they). If you do not know and have not asked, use they, them, and their.

### **A Note on Terminology**

Transgender and gender nonconforming individuals use many words to describe their identities and gendered experiences. To list just a few examples, these students may refer to themselves as: trans, transgender, male-to-female (MTF), female-to-male (FTM), genderqueer, non-binary, agender, gender fluid; and other culturally specific identities including brown boi, ag/aggressive, and two-spirit. Terminology and language describing trans individuals can differ based on region, language, race or ethnicity, culture, age, and many other factors. Generally speaking, campus staff and faculty should employ those terms and pronouns which the students use to describe themselves and avoid terms that students would not apply to themselves.

### **Determining Gender Identity**

These recommendations are based on the principle that only an individual can determine their own gender identity. This approach is consistent with current promising practices and federal law. In 2015, the United States Departments of Education and Justice approved the Arcadia Unified School District’s non-discrimination policy, which stated “The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected.” Arcadia developed this policy in order to resolve a Title IX complaint that was filed by a trans student after he was denied access to the boys’ facilities at school.

Campuses should avoid requiring medical, or other “proof” in order to respect a student’s gender identity. The decision to undergo a particular medical treatment as part of a transition is a personal decision that must be left to the student and their healthcare provider. In addition to being overly invasive, such a requirement does not account for the barriers trans students experience trying to access transition-related medical care. It is similarly inappropriate to require specific court orders or changes in government-issued identity documents. Due to varying state and federal policies, trans students often are unable to change government-issued identity documents to correspond to their chosen name and appropriate legal sex marker. In fact, some states do not allow correction of legal sex markers at all, and may allow individuals to change their legal sex marker on identity documents only upon the completion of medical procedures that are inaccessible to students. To access information about name change, driver’s license

policy and procedures, and birth certificate laws, go to the National Center for Transgender Equality ID documents center here: <http://www.transequality.org/documents>

### **Federal Protections**

While Title IX does not specifically use the terms “transgender” or “gender identity and expression,” courts and the federal government agree that harassment and other discrimination against trans and gender nonconforming people constitutes illegal sex discrimination.

In guidance and court briefs, the U.S. Departments of Education and Justice have clarified that students have the right to be treated in a manner consistent with their gender identity, and to be free from any form of discipline, harassment, or discrimination based on their gender identity and expression.

### **These recommendations strive:**

- (1) to ensure that all students have the opportunity to express themselves and live authentically.
- (2) to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- (3) to facilitate compliance with local, state, and federal laws and regulations concerning harassment, privacy, and discrimination,

### **Harassment and Discrimination**

Discrimination on the basis of gender identity/expression is prohibited by almost 1,000 campuses nation-wide. It is the responsibility of each campus and all staff and faculty to ensure that all students, including trans and gender nonconforming students, have access to an education free from discrimination and harassment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention, including investigating the incident, taking corrective action, and providing students, staff, and faculty with appropriate resources. Enforcement of non-discrimination policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a person’s actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other harassment and discrimination complaints.

### **Privacy**

All persons, including students, have a right to privacy, and this includes the right to keep one’s transgender status private at school. Information about a student’s transgender status, legal name, or gender assigned at birth constitutes confidential personally identifiable and medical information. Disclosing this information to other students or parents or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional privacy protections. FERPA is a federal law that protects the privacy of student educational records and also gives current and former students the right to amend those records to match their legal documents if they are “inaccurate, misleading, or in violation of the

student's rights of privacy." Once a student reaches 18, their parents do not have access to these records unless the student grants permission.

The campus should ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students will be kept confidential in accordance with applicable state, local, and federal privacy laws. University or college staff should not disclose any information that may reveal a student's transgender status to others, including parents and other faculty or staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a university or college is legally required to disclose a student's transgender status, the university or college should provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any reasonable accommodations that they would need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student uses a chosen name, to transition while on a college or university campus, or to disclose their transgender status to employees or other students does not authorize university or college staff or faculty to disclose a student's personally identifiable and medical information. When contacting the parent or guardian of a transgender or gender nonconforming student, university or college staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student has specified otherwise.

## Promising Practices for Supporting Transgender and Gender Nonconforming Students

These promising practices were drafted by the Consortium of Higher Education LGBT Resource Professionals Trans Policy Working Group, in consultation with the relevant national student affairs associations, to assist colleges and universities in providing services and support to trans students.

### Recommendations Related to Campus Records and Documents

- Have all Admissions and Registrar’s Office staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Change software to enable students to use a name other than their legal first name on campus records, including course and grade rosters, directory listings, unofficial transcripts, advisee lists, and other documents.
- Where not specifically prevented by law, allow students to use a name other than their legal first name on campus ID cards and diplomas.
- Enable students to change the gender marker on their campus records upon their request (i.e., without a letter from a therapist or doctor and without the need to change other documents).
- Change software to enable students to indicate the pronouns they use for themselves that would appear on course and grade rosters and advisor lists. Suggested options: she, he, ze, and they.
  - For example, the University of Vermont provides these options: not marked (nothing listed), she, ze, he, they, and “prefer name only.”
- Have an easily accessible web page that details the policies and procedures related to changing names and gender markers and indicating pronouns on campus records.
- Enable students to self-identify their gender on forms.

Gender Identity: \_\_\_\_\_  
or, when such an open-ended question is not possible, use:

Gender Identity (choose all that apply)

- woman  
 man  
 trans or transgender (please specify): \_\_\_\_\_  
 another identity (please specify): \_\_\_\_\_

Ideally, institutions should only ask about gender identity. As a recipient of federal Title IV financial aid funds, UW is required to gather and report demographic data for undergraduate and graduate students, including gender data. Therefore, on the UW application for admission, both “sex” (“female” and “male”) and “gender identity” will be asked.

- Critically examine if asking gender on a document is really needed. For example, is gender identity relevant to a student’s participation in a career center event?

### Recommendations Related to Campus Housing

- Create a fair equitable process for hiring, training, and maintaining trans-identified and trans-knowledgeable Residential Life staff members.
- Have all Residential Life staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Have an easily accessible web page as part of the housing site that explains the school's housing policies related to gender identity and that provides the contact information for a housing official who can be the point person for these policies.
- Enable all students to self-identify their gender on their housing application.

Gender Identity: \_\_\_\_\_

or, when such an open- ended question is not possible, use:

Gender Identity (choose all that apply)

woman

man

trans or transgender (please specify): \_\_\_\_\_

another identity (please specify) : \_\_\_\_\_

If this more expansive gender identity question is not possible on the housing application, then include a question that allows students space to indicate their need for trans-inclusive housing alongside any other specific housing needs.

- Develop and publicize a trans-supportive housing policy. This policy should state:
  - That the college will always recognize and respect the stated gender identity of the student.
  - Students who inform the college that they are trans in a timely manner will be housed in keeping with their gender identity/expression.
  - Every attempt will be made to give trans students safe and comfortable housing assignments.
- Establish a gender-inclusive housing (GIH) option that:
  - is available for both new and returning students
  - is separate from an LGBTQ theme floor
  - is open to all students, not just to trans students.
  - is offered in different parts of campus and, if possible, in different types of housing (doubles, suites, apartments).
  - includes gender-inclusive bathrooms.
- Create gender-inclusive bathrooms (e.g., single-user, lockable bathrooms that are labeled as “all gender bathroom” or simply as “bathroom”) and private showers in all renovated/newly constructed residence halls.
- Have a campus housing bathroom policy that states that “individuals should use bathrooms that correspond to their sex or gender identity, depending on which option

they feel is safer, or utilize bathrooms that are designated all-gender/gender-inclusive.”

- If your institution does not have “gender identity” in its general nondiscrimination policy, include it in your housing policies.
- Have a policy that addresses acts of harassment and discrimination (including anti-trans acts) that occur in campus housing in accordance with campus judicial policies.
- Encourage RAs to hold trans awareness programs on their floors and to post trans educational material.

### **Recommendations Related to Recreational Sports and Locker Rooms**

- Have all recreational sports staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Develop a policy for trans students to compete in intercollegiate athletics in keeping with the NCAA’s policies.
- Develop a policy for trans students to compete in intramurals.
  - For example, the Bates College policy is: “People participating in any intramural sports or other athletic programs, such as physical education courses, may participate in accordance with their gender identity, should that be relevant, regardless of any medical treatment.”
- Offer lockable, single-user changing and shower rooms that are readily available to trans students in campus recreational centers and athletic facilities.
- Create greater privacy in men’s and women’s locker rooms by constructing private shower and changing cubicles when athletic facilities are built or renovated.

### **Recommendations Related to Campus Facilities**

- Create a fair equitable process for hiring, training, and maintaining trans-identified and trans- knowledgeable campus facilities staff members.
- Have all campus facilities staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Have a policy requiring at least one gender-inclusive restroom (e.g., a single-user, lockable restroom that is labeled “all gender restroom” or simply “restroom”) in all newly constructed or significantly renovated buildings, including residence halls.
- Where allowed by legal codes, change single-stall men’s and women’s restrooms into gender-inclusive facilities in all campus buildings.
- Aim to have gender-inclusive restrooms in most, if not all, administrative and academic buildings on campus.



- For gender-inclusive restrooms, use a sign that avoids the male and female stick figures. <http://www.mydoorsign.com/all-gender-restroom-signs>
- Have an online list/map of campus gender-inclusive restrooms.
- Have an inclusive, written campus bathroom policy that states that “individuals should use bathrooms that correspond to their sex or gender identity, depending on which option they feel is safer, or utilize bathrooms that are designated all-gender/gender-inclusive.”
- Have an easily accessible web page as part of the campus facilities site that explains the school’s facilities policies related to gender identity and that provides the contact information for a campus facilities official who can be the point person for these policies.
- Create private changing facilities and single-person showers when residence halls and recreation centers are constructed or renovated.

### **Recommendations Related to Fraternities and Sororities**

- Create a fair and equitable process for hiring, training, and maintaining trans- identified and trans- knowledgeable Office of Fraternities and Sororities staff members.
- Have all Office of Fraternities and Sororities staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Enable all students to self-identify their gender on fraternity and sorority recruitment applications.
- Enable students to self-identify their gender on forms.

Gender Identity: \_\_\_\_\_

or, when such an open-ended question is not possible, use:

Gender Identity (choose all that apply)

woman

man

trans or transgender (please specify): \_\_\_\_\_

another identity (please specify): \_\_\_\_\_

- Develop and publicize a trans-supportive fraternity and sorority policy. This policy should state that the college will always recognize and respect the stated gender identity of the student.
- If your institution does not have “gender identity” in its general nondiscrimination policy, include it in your fraternity and sorority policies.
- Have a policy that addresses acts of harassment and discrimination (including anti-trans acts) that occur in fraternities and sororities and during fraternity and sorority recruitment.

- Encourage fraternity and sorority chapters to hold trans awareness programs with their membership and to post trans educational material.

### **Recommendations Related to Dean of Students/Campus Conduct Offices**

- Create a fair equitable process for hiring, training, and maintaining trans-identified and trans-knowledgeable Dean of Students/Conduct Office staff members.
- Have all Dean of Students/Conduct Office staff, including student staff members, attend a trans-focused allyship training.
- Have an easily accessible web page as part of the Dean of Students/Conduct Office or Student Life site that explains the school's policies related to gender identity and that provides the contact information for an official who can be the point person on these policies.
- Enable trans students to self-identify their gender on forms and applications.

Gender Identity: \_\_\_\_\_

or, when such an open-ended question is not possible, use:

Gender Identity (choose all that apply)

woman

man

trans or transgender (please specify): \_\_\_\_\_

another identity (please specify): \_\_\_\_\_

Develop and publicize a trans-supportive policy. This policy should state that the college will always recognize and respect the stated gender identity of the student.

- If your institution does not have "gender identity" in its general nondiscrimination policy, include it in your Dean of Students/Conduct Office or Student Life policies.
- Have a policy that addresses acts of harassment and discrimination (including anti-trans acts) that occur on campus in accordance with campus judicial policies.
- Encourage Student Life staff to hold trans awareness programs and to post trans educational material.

### **Recommendations Related to Campus Health Centers**

- Create a fair equitable process for hiring, training, and maintaining trans-identified and trans-knowledgeable Health Center staff members. Allow staff with sub-specialties in trans health care to be identified so that a student may request these providers.
- Have all Health Center staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Enable all students to self-identify their gender on the Health Center's intake form.
- Enable students to self-identify their gender on forms.

Gender Identity: \_\_\_\_\_  
 or, when such an open-ended question is not possible, use:

Gender Identity (choose all that apply)

- woman  
 man  
 trans or transgender (please specify): \_\_\_\_\_  
 another identity (please specify): \_\_\_\_\_

- Enable students to indicate the name they use, and not just their legal name, on the Health Center's intake form and use this chosen name when calling students in for appointments.
- Have prescriptions and lab orders written in such a way that the name a student uses is called out at the pharmacy and lab.
- Cover hormones and gender-affirming surgeries for students who are transitioning under student health insurance.
- Train physicians so that they can initiate hormone treatment, write prescriptions for hormones, and monitor hormone levels for transitioning students.
- Hold a regular trans health clinic to provide trans-specific health care services.
- Have gender-inclusive restrooms (e.g., single-user, lockable restrooms that are labeled as "all gender bathroom" or simply as "bathroom") available in all areas of the Health Center.
- Include clear, complete information about accessing trans-related health care services on websites and in health center literature.
- Appoint a patient advocate or have a visible procedure for trans students (as well as other students) to report concerns and instances of poor treatment.

### **Recommendations Related to Campus Counseling Centers**

- Create a fair equitable process for hiring, training, and maintaining trans-identified and trans-knowledgeable Counseling Center staff members.
- Have all Counseling Center staff, including student staff members, attend a trans-focused allyship training. (If such a training session is not provided on your campus, work with trans advocates to develop one).
- Enable trans students to self-identify their gender on the Counseling Center's intake form.
- Enable students to self-identify their gender on forms.

Gender Identity: \_\_\_\_\_  
 or, when such an open-ended question is not possible, use:

Gender Identity (choose all that apply)

- woman  
 man

\_\_\_ trans or transgender (please specify): \_\_\_\_\_  
 \_\_\_ another identity (please specify): \_\_\_\_\_

- Enable students to indicate the name they use, and not just their legal name, on the Counseling Center's intake form and use this chosen name when calling student in for appointments.
- Develop and publicize a list of area therapists who can provide trans-supportive gender therapy for students who are transitioning or who are struggling with their gender identity.
- Cover the requisite therapy for students who are transitioning under student health insurance.
- Have at least one Counseling Center therapist who has the training and experience to be able to write letters for transitioning students to access hormones.
- Offer a support group for trans and gender-expansive students.
- Have a gender-inclusive restroom (e.g., a single-user, lockable restroom that is labeled "all gender bathroom" or simply "bathroom") available in the Counseling Center.
- Appoint a client advocate or have a visible procedure for trans students (as well as other students) to report concerns and instances of poor treatment.

### Related Documents

2010 State of Higher Education for Lesbian, Gay, Bisexual & Transgender People  
[https://issuu.com/campuspride/docs/campus\\_pride\\_2010\\_lgbt\\_report\\_summary/9?e=5022488/2877698](https://issuu.com/campuspride/docs/campus_pride_2010_lgbt_report_summary/9?e=5022488/2877698)

Dear Colleague Letter on Transgender Students  
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

Examples of Policies and Emerging Practices for Supporting Transgender Students  
<http://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>

University of Wisconsin Board of Regents Policies 14-3, 14-6  
<https://www.wisconsin.edu/regents/policies/equal-opportunities-in-education-elimination-of-discrimination-based-on-gender/>

<https://www.wisconsin.edu/regents/policies/discrimination-harassment-and-retaliation/>

GLSEN Transgender Model District Policy  
<http://www.glsen.org/article/transgender-model-district-policy>

Consortium of Higher Education LGBT Resource Professionals Suggested Best Practices  
for Supporting Trans Students

<http://www.lgbtcampus.org/policy-practice-recommendations>

Consortium of Higher Education LGBT Resource Professionals/Lambda Legal's  
*Transgender rights toolkit: Transgender college students*

[https://lgbtcampus.memberclicks.net/assets/2015\\_trans\\_college\\_students.pdf](https://lgbtcampus.memberclicks.net/assets/2015_trans_college_students.pdf)

Trans, Genderqueer, and Queer Terms Glossary

[https://lgbt.wisc.edu/documents/Trans\\_and\\_queer\\_glossary.pdf](https://lgbt.wisc.edu/documents/Trans_and_queer_glossary.pdf)

A Transgender Advocate's Guide to Updating and Amending School Records

<http://www.lambdalegal.org/know-your-rights/transgender/ferpa-faq>

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