

Title IX: Transgender Students

2016 Updates

Agenda

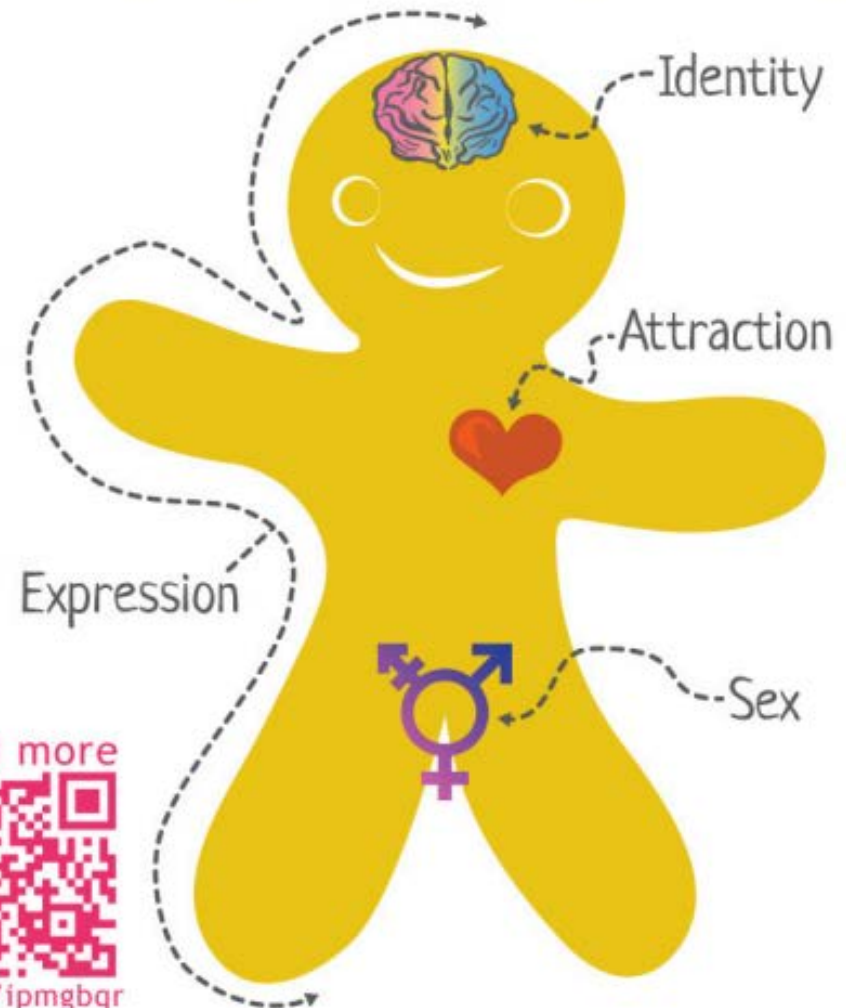
- Introduction
- Definitions
- Title IX Compliance
- Educational Records and FERPA Implications
- Practical Steps to Take

Introduction

- Many people now view gender, gender identity, gender expression, and sexual orientation as more variable and less binary than they have in the past.
- Many students that enroll each year hold these beliefs and a small, but growing, portion of our student body actively identify as transgender.
- One model of gender which is gaining ground is the *Genderbread Person* which helps to illustrate the variability with which many of these topics are currently viewed.

The Genderbread Person v2.0 by its pronounced METROsexual.com

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*. Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for understanding. It's okay if you're hungry for more.



read more

bit.ly/ipmgbqr

Gender Identity

Nongendered { Woman-ness
 Man-ness

5 (of infinite) possible plot and label combos
 "woman" "nan" "two-spirit" "genderqueer" "genderless"

Gender Expression

Agender { Masculine
 Feminine

5 (of infinite) possible plot and label combos
 "butch" "femme" "androgynous" "gender neutral" "hyper-masculine"

Biological Sex

Asex { Female-ness
 Male-ness

5 (of infinite) possible plot and label combos
 "male" "female" "intersex" "female self ID" "male self ID"

Attracted to

Nobody { (Men/Males/Masculinity)
 (Women/Females/Femininity)

5 (of infinite) possible plot and label combos
 "straight" "gay" "pansexual" "asexual" "bisexual"

Policies & Regulations

- Nationally, transgender awareness and issues have come more to the forefront with recent legislation and regulatory actions.
- To bring clarity on the Federal expectations in regards to transgender rights, the Department of Education issued a “Dear Colleague” letter in which they laid out expectations for schools who received federal funding.
- IntelliTec Colleges is an open enrollment institution which believes in maintaining an environment where all students feel welcome and have equal access to the education that we provide.

Definitions

- **Gender Identity:** Refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- **Sex Assigned at Birth:** Refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
- **Transgender:** Refers to those individuals whose gender identity is different from the sex they were assigned at birth.
 - Transgender Male – Sex assigned at birth as female but identifies as male.
 - Transgender Female - Sex assigned at birth as male but identifies as female.

Definitions

Gender Transition: The process in which a transgender individual begins asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth.

- During transition, individuals begin to live and identify as the sex consistent with their gender identity and may:
 - Dress differently
 - Adopt a new name
 - Use pronouns consistent with their gender identity
- Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

- As a condition of receiving federal funds, schools must not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities (*unless expressly authorized to do so by Title IX or its implementing regulations*).
- The Department of Education has published guidance establishing that it will treat the student's gender identity as the student's sex, for purposes of Title IX.

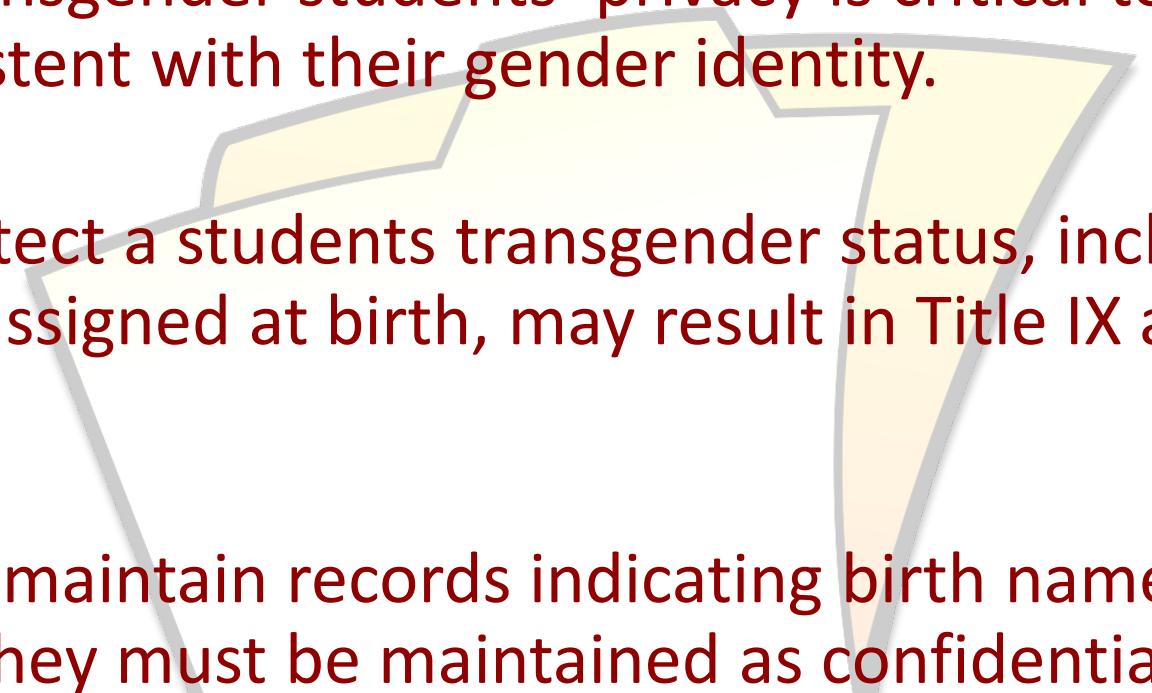
Compliance with Title IX

- Upon notification from a student (or parent of the student if a minor), that the student will assert a gender identity that differs from previous records or representations, the school will treat the student consistent with the expressed gender identity.
- Under Title IX, there are no medical diagnosis or treatment requirements that students must meet as a prerequisite to being treated consistent with their gender identity.

Compliance with Title IX

- Schools are not allowed to required official identification with the expressed gender identity prior to recognizing the gender identity
- Schools cannot use others' discomfort to justify a policy or actions that single out or disadvantages a particular class of student.

Compliance with FERPA

- Protecting transgender students' privacy is critical to ensure they are treated consistent with their gender identity.
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 - Failure to protect a student's transgender status, including their birth name or sex assigned at birth, may result in Title IX and FERPA violations.
 - A school may maintain records indicating birth name and sex assigned at birth, but they must be maintained as confidential files.
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Compliance with FERPA

Need-to-Know: FERPA generally prevents release of PII (personally identifiable information) and education records, except when a school employee has a need to know.

- *Even when a school has released the transgender status to some employees, it does not mean that all employees have a need to know about the student.*

Directory Information: A student's gender is not considered directory information and should never be part of a general information release.

Compliance with FERPA

Amendment of Education Records

- Students may request changes to their name or gender identification.
- These types of changes should be handled the same way any other request to modify an education record will be handled.

Changing education records will help to ensure proper use of pronouns.

Practical Steps

- ❑ Create an environment free from discrimination for all students, regardless of gender identity, or any other protected categories.
- ❑ Treat students consistent with their expressed gender identity, regardless of what their educations might indicate. This includes using the pronouns associated with the gender identity.
- ❑ Ensure school rules, services, and amenities are gender neutral wherever possible. When they can't be neutral, ensure that students follow the rules or are provided services and amenities appropriate to their expressed gender identity.

Practical Steps

- ❑ Ensure students have access to use the bathroom associated with their gender identity.
- ❑ Assist transgender students with the communication of their transgender status or gender transitions as they feel is appropriate.
- ❑ Remember that many people will have different opinions regarding the concept of gender, and that you should treat others how they want to be treated.

Questions?

