

Mission, Goals & Board Operations

Board of Trustees Policy

SUBJECT: Transgender Policy	NUMBER: 2.35
	DATE: April 16, 2018
	SUPERSEDES: N/A

Purpose

Schenectady County Community College strives to create and sustain an inclusive, diverse, and nondiscriminatory community for its students, faculty, and staff, which includes transgender individuals as a member of the class of people who must be protected against gender discrimination. The purpose of this policy to express the College’s commitment to undertake measures to provide a nondiscriminatory environment for all students, faculty, and staff, including transgender individuals.

Applicable Terminology

- (a) “Gender expression” refers to the ways in which individuals manifest masculinity or femininity. Individuals express a particular gender through hair style, clothing selection, or even the way we stand. Appearance, speech, behavior, movement, and other factors signal that an individual feels and wishes to be understood as a man or a woman.
- (b) “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.
- (c) “Sex assigned at birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- (d) “Transgender” describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth.

- (e) “Gender transition” refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and 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.

Gender Identification Shall Be Controlling: The College shall treat a student’s, a faculty member’s, and staff member’s gender identity as that person’s gender. This means that the College will not treat a transgender student, faculty member or staff member differently from the way it treats others of the same gender identity, so long as they are being treated in a non-discriminatory manner. When a student or the student’s parent or guardian, as appropriate, or when a faculty or staff member, notifies SCCC that the individual will assert a gender identity that differs from previous representations or records, SCCC will begin treating the individual consistent with the individual’s gender identity. There is no medical diagnosis or treatment requirement that students, faculty or staff must meet as a prerequisite to being treated consistent with their gender identity.

Transgender students, faculty and staff shall be afforded equal access to educational programs and activities and facilities even in circumstances in which other community members raise objections or concerns.

Nondiscriminatory Environment: Harassment that targets an individual based on gender identity, transgender status, or gender transition is harassment based on sex. Failure to treat students, faculty or staff consistent with their gender identity may create or contribute to a hostile environment. If sex-based harassment is creating a hostile environment, the College shall take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

Identification Documents, Names, and Pronouns: The College shall treat students, faculty and staff consistent with their gender identity even if their educational or personnel records or identification documents indicate a different sex. College personnel and contractors shall use pronouns and names consistent with a transgender individual’s gender identity.

Gender-Segregated Activities and Facilities: The College provides gender-segregated restrooms, locker rooms, shower facilities, and athletic teams. A transgender individual shall be allowed to participate in such activities, and access such facilities, consistent with their gender identity, and shall not be compelled or required to use facilities inconsistent with their gender identity or to use single-user facilities when others are not required to do so. The College also provides single user restrooms which are available to anyone who voluntarily seeks additional privacy. Information on the locations of single user restrooms shall be published on the College’s “Title IX” webpage.

Athletics: SCCC shall operate or sponsor gender-segregated athletic teams only when selection for such teams is based upon competitive skill or when the activity involved is a

contact sport. When determining whether to operate or sponsor gender-segregated athletic teams, SCCC shall apply age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of participation on the competitive fairness or physical safety of the sport. SCCC shall not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender individuals and other individuals of the same sex (i.e., the same gender identity) or others' discomfort with transgender persons.

Eligibility of transgender students for any gender-segregated inter-collegiate teams shall be consistent with National Junior College Athletic Association (NJCAA) eligibility rules.

Overnight Accommodations: When participating in approved travel, SCCC shall allow transgender students, faculty and staff to access lodging consistent with their gender identity and will not require transgender individuals to stay in single-occupancy accommodations or to disclose personal information when such disclosure is not required of others. The College will honor an individual's voluntary request for single-occupancy lodging at the individual's expense.

Other Gender-Specific Activities and Rules: Unless expressly authorized by applicable laws or regulations, SCCC shall not segregate or otherwise distinguish students, faculty or staff on the basis of their gender, including gender identity, in any college activities or the application of any college rule, policy or practice. Likewise, SCCC shall not take adverse action against students, faculty or staff, nor exclude them from participating in activities, for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity.

Privacy and Education Records: Protecting transgender individuals' privacy is critical to ensuring they are treated consistent with their gender identity. The College shall take all reasonable steps to protect individuals' privacy related to their transgender status, including their birth name or sex assigned at birth. The College recognizes that the nonconsensual disclosure of personally identifiable information (PII), such as an individual's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender individuals and may also violate the Family Educational Rights and Privacy Act (FERPA); as such, records concerning an individual's birth name and sex assigned at birth shall be kept confidential.

Disclosure of Personally Identifiable Information from Education Records: FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel determined to have a legitimate educational interest in the information. Even when a student has disclosed transgender status to some members of the college community, the College shall not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may violate FERPA and interfere with transgender students' rights under federal and state laws to be treated consistent with their gender identity.

Disclosure of Directory Information: Consistent with FERPA's implementing regulations, the College shall disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy. Directory Information shall not include a student's sex, including transgender status, because doing so could be harmful to the student or constitute an invasion of privacy. Additionally, the College shall allow all students a reasonable amount of time to request that the school not disclose the student's directory information.

Amendment or Correction of Education Records: SCCC shall entertain requests to update a transgender student's education records to reflect the student's gender identity and new name in order to help protect student privacy and ensure personnel consistently use appropriate names and pronouns. The College shall respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records. If a student or parent complains about the school's handling of such a request, the school must promptly and equitably resolve the complaint under the school's FERPA procedures.

If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.

Workplace Assignments and Duties: Currently, SCCC does not issue specific work assignments or duties which are differentiated by gender. Should that change in the future, SCCC shall treat all faculty and staff consistent with their gender identity or to that gender identity toward which the employee is transitioning. Neither transitioning nor transgender faculty and staff should be required to provide proof of any particular medical procedure (including gender reassignment surgery) in order to be eligible for gender-specific assignments or duties consistent with their gender identity. Under no circumstances shall SCCC require a faculty or staff member to accept a gender-specific assignment or duty contrary to the gender the faculty or staff member otherwise works as, or limit gender-specific assignments or duties for a faculty or staff member once their employment records have been reconstructed to reflect the new gender.

Sick and Medical Leave: Faculty and staff members receiving medical treatment as part of a gender transition may use sick leave under their applicable leave policy or labor contract. Under the Family Medical Leave Act, faculty and staff members may take medical leave for transition-related needs of their families.

Personnel and Other Official Records: SCCC shall update a faculty or staff member's official record to reflect a change in name or gender upon request from the faculty or staff member. Certain types of records, including those identified on Schedule 1, may require a legal name change before the transgender or transitioning person's name can be changed. Most records, however, may be changed to reflect a person's preferred name without proof of a legal name change. A transgender faculty or staff member has the right to be addressed

by the name and pronoun corresponding to the employee's gender identity. Official records will also be updated to reflect the faculty or staff member's new name and gender upon the request of that individual. As quickly as possible, SCCC will make every effort to update the transitioning faculty or staff member's College ID photograph and issue the individual a new ID card at no cost, so that the transitioning employee's gender identity and expression are represented accurately. If a new or transitioning employee has questions about employment records or ID documents, the employee should contact the Office of Human Resources.

Procedures

Procedures to enforce this policy shall be those set out in the College's Procedures for Resolving Complaints of Discrimination, Harassment and Retaliation (SUNY Schenectady County Community College Board of Trustees Policy No. 3.15). The Title IX Coordinator shall be responsible for the enforcement and oversight of this policy.

Schedule 1

Documents Requiring Legal Name Change*

Records pertaining to payroll or retirement accounts

This list includes documents and forms currently collected and used by the College; this list is subject to change as state and federal laws and regulations are modified and amended.