Toward a More Inclusive Campus for the Transgender, Intersex and Gender Nonconforming Community:

A Report of the Steering Committee on Campus Readiness for the Implementation of the Gender Recognition Act (SB 179)

Part One - Background: Navigating a Transgender, Intersex, or Gender Nonconforming Identity in a Binary World

The Gender Recognition Act provides UCI with an opportunity to fortify its enduring commitment to inclusive excellence by embracing and supporting campus members of the transgender, nonbinary and intersex community. These populations face significant hurdles and substantive barriers to be full members of society, including the university community. The commonly accepted binary of female and male sex assumes a fixity between one's assigned sex at birth and their gender expression. The term transgender reflects a far more capacious conception of gender while challenging the category of “sex” as a proxy for or biological basis for gender. Transgender is a broad category that captures the fluidity of gender. It may, for example, refer to individuals whose gender expression is different from their sex assigned at birth (transgender); are born with variations in sex characteristics which do not meet the medical standards of male or female (intersex), or do not exclusively conform to either male or female (gender nonconforming). Navigating a society that is organized around binary definitions of sex therefore presents unique challenges to transgender, intersex and gender nonbinary individuals. They endure the taxing burden of being judged as aberrant and even subject to acts of bias and hate while seeking acceptance for who they are. This burden is aggravated by implicit and explicit bias based on race, ethnicity or immigration status.

The implementation of SB 179 could not come at a better time. Recent actions by the federal government have elevated an even greater sense of marginalization in the transgender community. In 2017, President Trump announced via Twitter that transgender people will be ineligible from participating in the armed services. In the same year, Secretary of Education Betsy DeVos rolled back protections for transgender high school students. More recently, the Department of Health and Human Services is exploring narrowly defining gender as a fixed biological condition determined by genitalia at birth. This policy, if adopted, will have widespread implications for the campus transgender community, including the loss of rights and protections under Title IX.

The university as an intentional space for people to explore or embrace their transgender, intersex, or gender nonconforming identity is relatively new for UCI. Knowledge about the transgender community is incomplete and their experiences are uneven. Since 2008, the bi-annual UC Undergraduate Experience Survey has enabled students to identify as transgender. Students were not asked about their status directly in 2014, but the option was added back in 2016. Reconciling one’s legal name with one’s preferred name and gender expression represents one of many hurdles that a transgender or gender nonbinary person must address once they matriculate. Names on official records—such as transcripts and diplomas—could only be changed if the student legally changed their name. In response, various offices adopted creative workarounds. In fall 2012, for example, the Registrar permitted use of a preferred name in the student record system for identification cards and in class

1 Of the 10,644 UCI undergraduates who took the UC Undergraduate Experience Survey in 2018, there were 14 who identify as Trans Man, 11 as Trans Woman and 73 as Genderqueer and Gender Nonconforming.
rosters as well as Financial Aid and EEE/Canvas. The housing needs of transgender students are flagged during registration for the Student Parent Orientation Program. Should they indicate a preferred pronoun other than he/him/his or she/her/hers, a staff member directly consults the student by phone regarding their housing preference. As part of a 2016 UCOP initiative to collect Gender Identity and Sexual Orientation for undergraduates and graduate students, Registrar offices across the UC began maintaining 4 separate data fields related to gender identity: 1) Gender; 2) Gender Identity 3) Gender at Birth and 4) Sexual Orientation. (Data regarding Gender at Birth or Sexual Orientation is not collected for graduate students.

In practice, the experience of the campus for a transgender, intersex, or gender nonconforming person requires them to reconcile the binaries of sex while attempting to live their lives. Outside of the Lesbian, Gay, Bisexual, and Transgender (LGBT) Resource Center, the campus can present an ambiguous space. There are several academic programs and many courses in which gender and sexuality is studied. Yet, the simple act of being called upon in class, regardless of school or program, can cause discomfort, or worse, outing a person whose name does not correspond to their gender expression. When using campus services, transgender students face the difficulty of explaining to a staff member the difference between their legal name and their preferred name and in the process outing themselves. Otherwise, as a condition to complete a transaction, they may feel forced to conform to a gender identity assigned at birth which does not reflect their gender expression. Until the campus designated 23 public and 18 private gender neutral restrooms, transgender and nonbinary individuals had to face stares or use a facility that did not align with their gender identity. The availability of gender neutral bathrooms is a step in the right direction, but their concentration in the campus core limits access. Further, there are no gender neutral multi-stall bathrooms. The establishment of such facilities will not only increase the number of facilities available to students, staff, faculty and guests on campus, but would communicate UCI’s commitment to a gender inclusive campus environment.

Health services for the transgender community presents a mixed picture as well. The UC Student Health Insurance Plan provides for transgender benefits. Students who wish to maintain their privacy and choose not to use their parent’s insurance, face steep out of pocket costs for each visit. The student health service does provide health services by trained behavioral, medical and nursing professionals who are sensitive in the care they provide to undergraduates and graduates. The limited number of staff members with specialized training in the provision of care to transgender patients can limit access. In addition to the on-campus health center, the UCI Pediatric Gender Diversity Program is Orange County’s only multi-disciplinary program. Founded by Dr. Lynn Hunt, a leading authority and advocate for inclusive health care, the center specifically cares for transgender and gender diverse youth and young adults up to the age of 26. In light of these and other experiences, it should not come as a surprise that among undergraduates who completed the bi-annual University of California Student Experience Survey (UCCUES) in 2018, transgender and gender queer students have been among populations that report the least satisfaction with feeling fully respected or comfortable with the campus climate.

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2 2014 UC LGBT report (https://gisoi.ucsd.edu/our-work/task-force-recs.html) also recommended this course of action.
3 The only dedicated emergency fund is the Christien Rodriguez Memorial Fund. Established in the memory of UCI undergraduate Christien Rodriguez in 2013, this fund is available to students in good standing. The fund provides assistance for students who experience a financial emergency as a result of their sexual orientation, gender identity, gender expression, perceived orientation or gender, or work with the LGBTQIA community.
There is even less information or data about transgender, intersex, or gender nonconforming graduate students, law students and medical students. It is quite true that graduate program applications do afford applicants with a range of choices to designate their gender. There does not appear to be consistency across the various programs in terms of their terminology due to the highly decentralized structure of graduate programs. Nor is there evidence that department, school or divisional climate surveys are attentive to the existence of transgender, intersex or gender nonconforming graduate students. Beyond incomplete data or information about the size and scale of this community, there is no designated or safe place for them. Instead, transgender, intersex, and gender nonconforming graduate students have to negotiate their career in a heightened state of vigilance about their acceptance or rejection. There is no way for them to know about the receptivity of their program to members of the transgender community; or the existence or availability of role models among the faculty or more advance graduate students. The level of insecurity is intensified when graduate students seek out career building opportunities that are associated with established professional norms: teaching assistantships or research assistants. Depending on the openness of the program or faculty member, coming out can potentially jeopardize a teaching or research assignment. Undergraduate bias or ignorance regarding transgender people may also inform their course evaluations, which may in turn impact the competitiveness of transgender graduate students on the job market.

The circumstances for employees, including career staff and faculty, are equally challenging. They are not legible in the various personnel systems. Employee applications do not provide for a nonbinary gender option. Apart from the 2013 UCOP sponsored climate survey, few, if any, staff or faculty surveys provide for or collect nonbinary categories. The results of the 2013 UCOP Climate Survey indicate that a higher percentage of genderqueer respondents and transgender respondents than men or women reported experiencing exclusionary conduct as well as less comfort with the campus climate, workplace climate, and classroom climate. ([http://campusclimate.ucop.edu/_common/files/pdf-climate/uci-full-report.pdf.](http://campusclimate.ucop.edu/_common/files/pdf-climate/uci-full-report.pdf))

Part Two - Campus Readiness for the Implementation of SB 179: Gender Recognition Act

I. Systems, Processes and Data Collection Readiness: Moderate Readiness Level

SB 179 makes it significantly easier for all transgender people who are living in or were born in California to obtain identity documents that reflect their genders by selecting between three gender markers – male, female and non-binary. In order to comply with this legislation, UCI needs to be ready to accept these gender markers in our documents and systems. Led by OIT Associate Chief Information Officer Kian Colestock, a workgroup evaluated the readiness of critical campus processes and systems containing gender identification data based on responses to a readiness survey. Readiness referred whether a system or data collection point have a value for nonbinary gender (either an X or NB) by January 1, 2019. Based on direct input from the committee, the workgroup developed a survey inventory modelled on questions from UC San Diego and UC Riverside instruments. The survey was opened on December 4, and closed on December 14. It yielded 75 complete responses—some were consolidated—from the main campus and medical center. 60% (45 units) reported that they will

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4 This section is based in part on the Report on Sexual Orientation and Gender Identity (SOGI) Diversity among Graduate Student at the University of California, Irvine by Aileen McGrory (with DECADE Faculty Advisor Tom Boellstorff). This report was funded by a DECADE grant to Professor Boellstorff in 2016-2017.
be in compliance by January 1, 2019 while 40% (22 units) indicated that they will not. Among the latter, 9% anticipated being in compliance within 60 days; 41% within 90 days; and 50% were unable to indicate a time frame. These varied systems or processes are housed in a range of units. They include Academic Personnel, Academic Units, Athletics, Division of Continuing Education, Division of Finance and Administration, Enrollment Services, Equal Opportunity and Diversity, OIT, Student Affairs, Study Abroad, and UCI Health. Several factors account for the variability of units that will not meet the readiness deadline. These are: dependence on a third party-vendor, legacy systems, and needed central resource assistance. The survey responses also highlighted the critical need for greater awareness and information about SB 179; designated contacts on process review and compliance solutions; clarification about expectations for departments that will not be incompliance; and strategies for aligning vendor products and services with the campus commitment to inclusion for the transgender and nonbinary community.

Recommendation(s): Reliable data is fundamental to better support the transgender, intersex, and gender nonconforming community at UCI. To this end we recommend the following: (1) additional follow up will be required to confirm compliance, clarify needs for those who are not; and share inclusive best practices. (2) require specific remediation plans with needs assessment for relevant department administrator to bring system(s) or process(es) into alignment with SB 179.

II. Education and Training Readiness: Low to Moderate Readiness Level

While not specifically within the scope of SB 179, the committee felt it was important to evaluate educational resources offered to the campus community regarding understanding and supporting the transgender and nonbinary community. Led by the director of LGBT Center Davidian Bishop, this work group summarized variable education and training resources and opportunities in relationship to the climate for transgender and nonbinary undergraduates, graduate students, staff and faculty, and alumni/ae. Equipping staff and faculty to understand and support the transgender community is an important step to improving the quality of services, student success, and engagement with the alumni/ae community, in addition to staff and faculty careers at UCI. There are few resources available to educate the campus on how to create a positive climate for transgender identity. The only mandated training is associated with SB 396 which was implemented in 2017. The bill requires employers with 50 or more employees to “provide at least 2 hours of prescribed training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.” Beginning in 2018, this requirement was satisfied by adding scenarios to the existing Sexual Harassment Prevention Online Course.

Beyond this mandatory training for employees, the principal venue for staff and faculty training is the LGBT Resource Center. Housed in the Division of Student Affairs, the center director and trained personnel mount relevant subject matter in the SafeZone Certificate Program. The curriculum for this program includes perspectives from community members. As with all certificate programs for faculty and staff, participation in SafeZone is subject to availability and release time. Finite staffing limits the number of trained cohorts of staff and faculty during the year. The SafeZone program is supplemented by briefings as well as co-sponsored events with affinity student organizations.

In addition to the SafeZone program, the Office of Inclusive Excellence has partnered with the School of Medicine and the Medical Center to augment training and improve the patient experience for the transgender community. As part of the Confronting Extremism Initiative in 2017, OIE funded Bridging the Gap between Medical and Nursing Education and the LGBT+ Community, which piloted augmented
intra-professional education for health professional students to improve health care delivery through dialogue, education, and understanding. The program expands the curriculum through all four years of training; promotes collaboration with the LGBT+ local community members and health advocates; implements quantitative assessments to measure changes and progress in medical and nursing student clinical competence for caring for LGBT+ individuals and broaden dissemination and visibility of the education activities through multi-media documentation. In 2018, OIE awarded a Spirit grant in support of the training of health care professionals and personnel at the Gender Affirming Community at the Family Health Center in Santa Ana. Endorsed by Dr. Hunt and led by Dr. Elana Craemer and Leah Centanni (F-NP), the clinic provides high quality gender affirming primary care while teaching the next generation of medical, nursing and nurse practitioner students, and residents the skills of how to care for the transgender community in a compassionate and respectful matter.

Recommendation(s): There are too few educational and training resources to create an inclusive climate for the transgender community, therefore, we recommend the following: (1) A workgroup should be appointed to develop core educational and training materials according to evidence-based best practices as well as research to promote cultural competencies and an inclusive climate for members of the transgender and gender nonbinary community. (2) This core content and competency should form part of a comprehensive learning framework that is available to undergraduates, graduate students, staff, and faculty. (3) Modules should be developed for orientation and on-boarding for various sponsoring units; (4) Training modules for inclusive practices for at critical campus service points and in classroom setting and staff and faculty encouraged and rewarded to complete their training.

III. Communications: Moderate to High Readiness Level

The communications workgroup was chartered to provide guidance and support the goals and activities of the SB 179 committee. The workgroup helped facilitate the initial campus communication regarding the Gender Recognition Act. During the committee duration, the development and monitoring of a central point of contact (genderrecognition@uci.edu) was created to field SB 179 related inquiries which have been drafted into an FAQ document to support the data workgroup. The communications workgroup also coordinated online materials to be posted through the LGBT Resource Center (http://lgbtrc.uci.edu/resources/SB179.php). In addition, a pre-survey notice and reminder messages were developed to ensure participation in the Processes and Data Collection Readiness survey by key leaders who have helped determine UCI databases, forms, processes or systems that include gender information. The workgroup also reviewed and discussed inclusive best practices of other universities and organizations to further understand the language required to support nonbinary individuals. For example, in 2017, the Associated Press Stylebook, which is widely used by news media and organizations to help guide written materials, recognized that spoken language uses they as singular and that the term can be used in a written form to reference gender neutral nonbinary individuals.

Recommendation(s): To help reinforce the campus commitment to inclusive excellence, it is recommended for the co-chairs to send a closing communication that details the progress and actions of the committee and any potential next steps. (1) Broadly disseminate the steering committee report to the campus community as well as various representative bodies such as the Associated Students of UCI, Associate Graduate Students, the Academic Senate, Staff Assembly, and the Alumni Association. (2) Encourage participation in SafeZone training as well as other inclusive educational opportunities among managers, staff, and faculty. (3) promote the use of gender nonbinary communication practices
in internal and external communications whenever possible; (4) incorporate gender nonbinary categories in campus surveys.

IV. Advocacy: Low to Moderate Readiness Level

This work group, led by assistant dean Diane Sagey, focused on how the campus can promote an inclusive culture on campus and in-relation to external organizations. More focused attention is necessary to consistently advance an inclusive experience for members of the transgender community. Building on the effort and activity of the steering committee, the workgroup identified several articulated activities that are designed to understand and address the needs of the transgender community in a range of contexts.

Recommendation: Engage with federal reporting agencies and other third-party organizations about the importance of adopting gender nonbinary categories.

Part Three - Recommendations for Monitoring and Continually Improving the Campus Climate to Exceed the Expectations of the California Gender Recognition Act

Although the campus overall readiness to accept the nonbinary gender marker by January 1, 2019 is uneven as described above, our work on this committee awoke our collective ambition to see UCI’s advance as a national leader and global model of inclusive excellence. As detailed above, the steering committee’s workgroups have identified three broad areas where additional follow up and follow through is necessary. To this end, the committee strongly recommends the following actions:

(1) Assign the Campus Chief Diversity Officer to oversee the implementation of the recommendations outlined above that fall outside the scope of SB 179.

(2) Support the senior campus administrator, appoint a campus-level workgroup that provides the necessary content expertise, stakeholder perspective, and operational competency; and

(3) mandate an update in the winter quarter and a final report by or before the end of the spring 2019 quarter on readiness of the campus to accept the nonbinary marker.