



OFFICE OF THE VICE PROVOST - DIVERSITY AND ENGAGEMENT

OFFICE OF THE PRESIDENT
1111 Franklin Street
Oakland, California 94607-5200

February 14, 2020

CHANCELLORS
ACADEMIC COUNCIL CHAIR BHAVNANI
LABORATORY DIRECTOR WITHERELL
ANR VICE PRESIDENT HUMISTON

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

Dear Colleagues:

Enclosed for systemwide review is new Presidential Policy Gender Recognition and Lived Name.

The drafters of new Presidential Policy Gender Recognition and Lived Name — Elizabeth Halimah and Tae-Sun Kim of Diversity and Engagement, UCOP Academic Affairs — consulted with the following groups to inform the details of the proposed policy:

- Academic Senate (Kum Kum Bhavnani and Robert May)
- Academic Personnel (Amy K. Lee)
- Students (UC Student Association and Graduate Program Committee)
- Staff (Systemwide HR)
- Office of General Counsel (Shondella Reed)
- IT Leadership Council (Chris Handy)
- Vice Chancellors for Student Affairs
- Vice Chancellors for Equity and Inclusion/Chief Diversity Officers
- Vice Provosts for Academic Personnel
- Associate Vice Chancellors for Admissions and Enrollment
- Campus LGBTQ Center Directors
- Campus Title VII and IX Officers
- UC PATH Steering Committee

Three key issues are addressed in the policy:

- 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employees, alumni and affiliates, if different than the individual's lived name, must be kept confidential and must not be published on documents or displayed in information systems that do not require a person's legal name.

The UCOP workgroup had extensive discussions about the guidelines, finally agreeing on a draft that was sent to campus stakeholders for preliminary comment. We received about 50 individual comments from about 20 individuals, including comments from stakeholder groups such as the LGBTQ Center Directors, and we have addressed many of these preliminary comments in the policy and revised guidelines.

In a parallel path, President Napolitano asked for an estimate of the costs of the IT system changes. We have received the President's approval to submit a MPI proposal for a one-time allocation to support upgrades of UC information systems to ensure that displays of gender identity and lived name are consistent with the intent of the proposed policy.

Potentially controversial issues include: a) whether preferred name be allowed on academic documents such as transcripts, diplomas or dissertation cover pages; b) the implementation date of the changes, given that numerous IT systems may have to be updated; and c) the cost of IT systems changes.

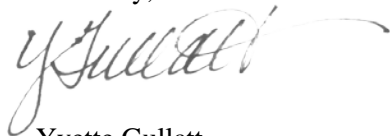
Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Director of the Lawrence Berkeley National Laboratory, the Chair of the Academic Council, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy. Attached is a Model Communication that may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **May 15, 2020**. Please submit your comments to elizabeth.halimah@ucop.edu. If you have any questions, please contact Liz Halimah at elizabeth.halimah@ucop.edu.

Sincerely,



Yvette Gullatt
Vice Provost, Diversity and Engagement and
Interim Vice President, Student Affairs

Enclosures:

- 1) Presidential Policy Gender Recognition and Lived Name (new policy/clean copy only)
- 2) Model Communication

cc: President Napolitano
Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief of Staff Nava
Executive Vice President of UC Health Byington
Senior Vice President Bustamante
Acting Vice President Lloyd
Vice Provost Carlson
Vice Provost and Interim Vice President Gullatt
Vice Provosts/Vice Chancellors of Academic
Affairs/Personnel
Academic Personnel Directors
Deputy General Counsel Woodall

Executive Director Baxter
Executive Director Chester
Executive Director and Chief of Staff Henderson
Executive Director Peterson
Chief of Staff Levintov
Chief of Staff Peterson
Director Grant
Director Lee
Manager Donnelly
Manager Smith
Manager Crosson
Analyst Wilson



Gender Recognition and Lived Name

University of California – Policy

Responsible Officer:	Vice Provost Yvette Gullatt
Responsible Office:	Diversity and Engagement
Issuance Date:	tbd
Effective Date:	July 1, 2021
Last Review Date:	
Scope:	Systemwide

Contact:	Elizabeth Halimah
Title:	Associate Vice Provost, Diversity and Engagement
Email:	elizabeth.halimah@ucop.edu
Phone:	(510) 987-0604

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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 can be toward people of their own or other genders.

Cisgender: Denotes or relates to a person whose sense of personal identity 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 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 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 romantic, sexual or affectional desire for people of all genders and sexes.

Preferred name: Preferred name, like 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, 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; 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.

1. 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.
2. The gender option selected by an individual must be used within the University of California system in all settings and situations.

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 or in 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.

1. 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.
2. The option selected by an individual must be used within the University of California system in all settings and situations.
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

1. 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. 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:

1. In accordance with 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.”

2. Systems and forms should avoid using terminology such as “sex assigned at birth,” “sex as listed on birth certificate,” or “other.”
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
<i>if Male</i>	<i>then assign</i>	Male
<i>if Trans Male/Trans Man</i>		
<i>if Female</i>	<i>then assign</i>	Female
<i>if Trans Female/Trans Woman</i>		
<i>if Genderqueer or Nonbinary Gender</i>	<i>then assign</i>	Unknown
<i>if Different Identity</i>		
<i>if No Response/Decline to State</i>		

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

Federal Affirmative Action plan reporting (applicants and employees)

Gender Identity		Assigned Gender Marker
<i>if Male</i>	<i>then assign</i>	Male
<i>if Trans Male/Trans Man</i>		
<i>if Female</i>	<i>then assign</i>	Female
<i>if Trans Female/Trans Woman</i>		
<i>if Genderqueer or Nonbinary Gender</i>	<i>then assign</i>	Unknown¹
<i>if Different Identity</i>		
<i>if No Response/Decline to State</i>		

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.

¹ 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:

- Heterosexual or Straight
 - Gay or Lesbian
 - Bisexual
 - 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 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 of legal names.

F. Additional policy guidance

- **Decline to State** — In systems which require an individual to respond to self-identification questions, include the choice “Decline to State.”² 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

² Examples include UCPATH, UC Recruit and Talent Acquisition Management (TAM).

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.

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.

MODEL COMMUNICATION

The University of California Office of the President invites comments on a proposed Presidential Policy: Gender Recognition and Lived Name. It is proposed that the policy be fully implemented by UC campuses and locations by July 1, 2021, and it 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.

If you have any questions or if you wish to comment, please contact _____ by
_____.