Developmental Pathways to Trans Inclusion on College Campuses
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A Monograph by:
ACPA—College Student Educators International
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INTRODUCTION

Overview

Universities were built as genderist, white supremacist institutions to support a white, cis-gender, male elite (Bidodeau, 2009; Nicolazzo, 2015; Wilder, 2014). The persistent reproduction of this system lends itself to continuing oppression of trans identified people on college campuses in all areas of the university (Beemyn, 2015; Jourian, Simmons, & Devaney, 2015; Nicolazzo & Marine, 2015). This truth remains despite current attempts to apply patchwork solutions, including legal and policy protections (Spade, 2011), to the trans “problem” (DuBois, 1994). Indeed, trans students, faculty, staff, and administrators thrive and survive higher education institutions despite the policies and systems that aim to oppress and marginalize them, and even those that are supposed to protect them. ACPA and NASPA (2010), joined by governing and guidance bodies in higher education and student affairs (e.g., ACPA/NASPA, 2010; American Council on Education, 1949; Council for the Advancement of Standards, 2012), have called for social justice and inclusion of all people on college campuses, including those who identify as trans. The call often suggests individual actions be taken to educate oneself and those who identify as trans. The call often suggests individual actions be taken to educate oneself and those who identify as trans.

Origins

Transparency, this document emerged from discontent with the way that ACPA excluded, overtaxed, and marginalized trans members within the organization. As an organization, it was imperative that we took stock of the ways we reinforced systems of oppression, knowing full well we all came from different backgrounds, and were imbedded within a genderist, racist, ableist, classist, U.S-centric system that marginalized trans people and therefore influenced our thinking. Over the course of a year, many conversations occurred in order to come to a better understanding of the oppression that trans people experience within the organization and on college campuses. These included continuing conversations with trans identified members and others who stood in solidarity with trans people across the globe.

Over the past couple years, there has been concern from some members about accessibility to ACPA convention locations. Particularly as it related to holding ACPA’s first convention outside of U.S. borders, Dr. Cindi Love, Executive Director of ACPA, reached out to Amanda Ryan, Outreach Coordinator at Gender Mosaic in Canada, to begin deliberate investigation and consultation regarding life and climate for trans people in the provinces as well as the regulatory/legislative status and any challenges for visitors crossing the border. This conversation began directly following ACPA’s Convention in Tampa in 2015.

Gender Mosaic Inc.—Mosaique de Genres Inc. (GM) is Canada’s oldest trans social, advocacy, and support group which started in 1988. GM’s very active outreach program includes public education sessions for employers, legislators, educators, social service providers and others who wish to learn more about trans issues and people. GM also participates, on an official level, in a wide variety of other gay, lesbian, bisexual, and trans (GLBT) organizations and events including Capital Pride, the Ottawa Police Liaison Committee, Kind (formerly Pink Triangle Services), the Seniors Pride Network and Parents and Friends of Lesbians and Gays (PFLAG—note that this group is also trans inclusive). Many GM members are also involved in creating links with other trans organizations in Canada and in the USA as they aim to join forces for more public education and lobbying for changes to organizations that can be made in order to create a more accepting society for all trans people. GM indicates they are making definite progress throughout the Provinces. Amanda Ryan has been the leading voice for advocacy as the federal Parliament has progressed toward gender identity and gender expression being added
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The purpose of this document is to provide guidance to staff, faculty, and administrators across a wide range of academic and student affairs divisions on how to identify personal biases, organizational subjugations, and systemic oppressions on their campuses. Students who wish to further equity on their campuses may also use the document. While we attempted to view higher education holistically, undoubtedly we may have missed an area of concern for certain people and apologize for that error. However, we did aim to consider various institutional types, locations, and histories where possible.

We chose a developmental model recognizing not everybody has the same understanding of genderism on college campuses; therefore, each person enters this conversation at a different point. The document allows one to enter the pathway at a place that best suits their current developmental position; however, we encourage everyone to take a personal audit of their positionality by reading through from the start.

The document is broken into three main sections, each with three subsections. The first section is titled Getting Started and provides an apt beginning point for those who are new to understanding the trans experience on college campuses. We also conceptualize this section as baseline inclusion policies and practices that every campus should employ. The second section, titled Going Deeper, takes the baseline policies and practices and layers on more complicated practices that may take more time, resources, and buy-in from various campus constituents. Lastly, we explore Inclusive Excellence, or those practices that we define as creating truly inclusive and affirming policies, programs, and practices when paired with the suggestions from the previous two sections. Within each major section, we describe the individual, organizational, and systemic development required to reach greater equity and inclusion. As previously noted, people must change but so must our organizations and the systems into which they are embedded.

We understand we may not have covered the entire scope of the university and our developmental pathway may not fully map onto the experience of every reader. This is particularly true in light of the multiple institutional types and communities served around the world. However, we have attempted to be as inclusive as possible and hope this document extends the conversation on trans inclusion on college campuses. We encourage people to continue their own personal and organizational assessment of these pathway points. In order to keep this document as up to date as possible, readers may submit their comments, suggestions, and updates. If you wish to provide information for future versions of this document, please email your thoughts to inclusion@acpa.nche.edu.

Recognitions

Addressing genderism on college campuses is not a solitary job. Every person must be engaged in deep reflection and practice in order to re-organize our world to be more inclusive of trans identified people. We recognize the work of trans inclusion has been occurring for many years and in many different forms. We draw from the knowledge and wisdom of many people in the formulation of this document and we affirm the work of each and every person working toward justice. We do not attempt to duplicate, compete with, or overshadow any other organization’s work and in fact hope the readers of this document will also reference the research and guidance of those around the world who have similar aims. We also recognize the continuing work of our colleagues in the NASPA Gay, Lesbian, Bisexual & Transgender Knowledge Community for their continued work on this topic. We provide these resources and others in the appendix.
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ACPA—College Student Educators International

Individual Development

1. Provide your pronouns when introducing yourself, on your emails, business cards (see Appendix E), door signs, syllabi, bathroom stalls (see Appendix D) and on other relevant documents. When able, provide reasoning for why you are sharing your pronouns. For example, you may say, “My name is Kay Wright and I use they/them pronouns. I am sharing my pronouns so you do not have to guess my pronouns and so you do not misgender me.” Additionally, ask others what pronouns they use and use them correctly every time by simply asking, “What pronouns do you use?” If you are unsure of somebody's pronouns, or forget their pronouns, you may simply ask for that information, or use their name. Also note that somebody may change their pronoun, so make checking for chosen pronouns a regular part of your routine.

If you use the incorrect pronouns or chosen name simply provide a brief apology. Then, utilize the correct pronouns and name. Lastly, if you notice somebody else is using the incorrect pronouns, kindly correct them. You may wish to utilize the correct pronouns and name. Additionally, ask others what pronouns they use and use them correctly every time by simply asking, “What pronouns do you use?”

2. If you are cisgender, ensure you have conversations with others on your campus. If you identify as trans, parents or community members object because “the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.”

Additionally, the letter states:

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.

Because trans students often are unable to obtain identification documents that reflect their gender identity (e.g., due to restrictions imposed by state or local law in their place of birth or residence), requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

The Dear Colleague Letter link is found in Appendix B. Dismantle systems of oppression through conversations with colleagues and challenge normative assumptions and ways of doing. This undoubtedly is no easy task and requires much personal development including continued self-education and conversations with others. Additionally, one must understand trans people at the intersections of their identities recognizing that trans people may also be people of color, have differing abilities, experiences, sexual orientations, nationalities, immigration statuses, among other identities. No trans person exists as a single story and therefore continual learning, authentic conversation are necessary for understanding how each person exists within the university context and how the university enacts various oppressions on a trans person even within different areas of the university.

3. Many university documents, websites, reports, syllabi, and presentations have unnecessary gendered language. Conduct a personal audit of unnecessary gendered language (e.g., change freshman to first-year) across all personal documents and documents within your sphere of control. The University of North Carolina Writing Center provides some guidance on using gender inclusive language (see Appendix B).

4. Make sure Title IX training is inclusive of gender identity and expression. According to the Departments of Education and Justice, harassment that targets a student based on gender identity, trans status or gender transition is harassment based on sex. The Dear Colleague Letter explains that an institution that fails to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. Title IX of the Education Amendments of 1972 forbids institutions that receive federal financial assistance to discriminate on the basis of sex. The U.S. Departments of Education and Justice treat a student’s gender identity as the student’s sex for purposes of Title IX. Additionally, the Dear Colleague Letter indicates that an institution must provide trans students equal access to educational programs and activities even when other students, parents or community members object because “the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.”

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5. Utilize this document as a self-awareness tool. Consistently evaluate your development along the pathway you have provided and with the use of other resources found throughout this document. Continue to read new research, documents, and discuss what it means to be trans inclusive with others on your campus. If you identify as cisgender, ensure you have conversations with other cisgender people on your campus and do not solely rely on trans communities to provide education to you and your staff on trans inclusion. Overtaxing of trans communities is problematic for a wide range of reasons, particularly if education on trans inclusion is not a part of that person's job duties.
Organizational Development

1. Include gender identity and expression as protected classes within your university.
2. Provide ample funding for staffing and programming in an LGBTQ center. This suggestion is relative to the campus population you serve and the university structure. We suggest visiting The LGBTQ Architect 2011 Consortium Directors Survey as a starting point reference.
3. Update data systems to allow for name changes and gender identification outside the binary and include those names on all formal documents, email, institution ID card, and directory information. Name changes are often referred to as “preferred name.” However, we suggest the language “chosen name” be used instead. This includes data systems that track administrator, faculty, and staff information. This is particularly useful when tracking tenure and retention information.
4. Provide one or more non-gendered restrooms or single-stall restrooms in accessible locations in each academic building, athletic facility, and non-residence hall building. According to the U.S. Departments of Education and Justice, if an institution provides sex-segregated facilities and activities, trans students must be allowed to participate in activities and access facilities consistent with their gender identity. For example, under the Dear Colleague Letter, an institution may not require trans students to use restrooms and locker rooms inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. The Dear Colleague Letter indicates an institution may make individual-user facilities available to all students who voluntarily seek privacy.
5. Re-sign single-stall bathrooms as non-gendered or universal (see Appendix D).
6. Provide trainings on unconscious bias and the negative results of unconscious bias in hiring, access, opportunity, and success.
7. Ensure that residence hall policies for non-gender or different gender rooms/floors are clearly displayed on websites and easily accessible. Single rooms may be an option; however, student engagement and development needs should be understood in making these decisions and trans students should not be ghettoized in their spaces of living. According the U.S. Departments of Education and Justice, if an institution provides separate housing on the basis of sex, it must allow trans students to access housing consistent with their gender identity and may not require them to stay in single-occupancy housing if not required of other students. An institution may accommodate a trans student’s request for single-occupancy housing, if it chooses to do so.
8. Campus Public Safety officers should have extensive training on trans concerns and experiences and conduct outreach and education to the department members particularly as it relates to mis-gendering community members, bias reporting, and campus safety.
9. Faculty should provide opportunities at the beginning of a term and at points throughout for students to identify their chosen names and pronouns. Faculty should also introduce themselves with their pronouns to model this behavior. Re-visiting pronoun choices does not require significant time, but can be creatively incorporated into everyday activities such as writing/changing pronouns on name placards or asking students to provide their pronouns on all course papers/presentations. These passive learning/presentation opportunities provide important information without any disruption and reinforce a humanizing and inclusive classroom climate.
10. Identify the percentage of people in each unit/department/area who have participated in some form of trans inclusive training and find ways to continue to support their development. Utilize this audit to create an organizational plan for creating trans inclusion training for all organizational members.
11. Begin building a database of trans alumni who can continue to engage with the campus community beyond graduation.

Systemic Development

1. Remove discriminatory health insurance exclusions from campus health plans and provide health, counseling, and personal services for trans identified communities. Title IX does not require medical diagnosis or treatment in order for students to be treated consistent with their gender identity, and an institution may violate Title IX if it requires a student to produce identification documents that reflect the student’s gender identity because a student may be unable to obtain documentation.
2. When possible, university members should lobby their representatives to pass The Equality Act, the Student Non-Discrimination Act (SNDA), and the Tyler Clementi Anti-Discrimination Law.
3. In order to better understand who attends college, universities must leverage their resources to add LGBTQ+ identifiers into national college resource systems (i.e., College Navigator, IPEDS). This data will be invaluable to understanding college access, persistence, and completion agendas. This data can also be used to track administrator, faculty, and staff information.
Individual Development

1. Host social justice seminars that allow spaces for learning to occur. ACPA’s Social Justice Institute and the Social Justice Training Institute are two continuing opportunities that provide significant, deep learning. While some of these trainings may be cost-prohibitive, encourage new employees to negotiate this professional development into new contracts; prioritize these trainings in annual budgets; partner with other offices to send one or multiple people to these institutes; or negotiate with other social justice organizations to provide large group trainings for your department or division.

2. Provide support and space on campus for important trans events such as International Transgender Day of Visibility, #transisbeautiful, and/or This is What Trans Looks Like. Universities should also support Trans Day of Remembrance events. These events should be created and implemented by and in solidarity with trans communities on campus. Cisgender administrators, faculty, and staff should be careful not to use these events as “sympathy tactics” toward trans communities. Additionally, only creating trans day of remembrance events signals to a wider community that the only result of only creating trans day of remembrance events is death and discrimination. This deficit perspective is harmful and inaccurate. Asset-identifying as trans is death and discrimination. This signals to a wider community that the only result of only creating trans day of remembrance events is death and discrimination.

3. Help to create trans-focused organizations on campus for students, faculty, staff, and administrators.

4. Faculty should have inclusive curriculum in their classrooms, providing examples in the classroom including trans people’s experiences, reflecting trans people in the expertise they bring to talk about course content, and in their assigned course materials. Faculty should also be reflective on the ways that may tokenize students to speak about the “trans experience” or—on the other hand—might fail to provide certain opportunities to students to demonstrate content knowledge or partake in particular activities due to an implicit bias against trans individuals.

5. Utilize your capital on campus to ensure there is trans representation in all parts of the campus population. This can be done by sitting on human resources hiring boards, search committees, attending faculty job talks, writing emails in support of trans candidates to the appropriate search chairs or committee members, and bringing to light disparate representation of trans employees to human resources when they come to your attention.

Organizational Development

1. Give options on forms for multiple identities. Many organizations provide guidance on how to best collect identity information on forms including applications to the university or for jobs. While there is no consensus on how to best do this work, there are a few questions that should be asked: (a) what are we using this information for? (b) what is the developmental level of the people taking this survey or filling out this form and will they understand these options? (c) do we have the ability to analyze the data in useful and meaningful ways if we collect the data in a certain way? See Garvey (2015) and Rankin and Garvey (2015) in the references section for more discussion.

2. Train your staff to answer phones and conduct their daily work without assuming the gender of the other person.

3. Actively involve unit leadership in discussions and decision-making regarding trans inclusion. Ensure each person in your department understands the implications for their work on trans communities and leverage any available capital toward trans inclusion.

4. Conduct a campus climate survey to capture trans individuals’ experiences on campus. Based on that information, create a campus plan for trans inclusion. Be sure to include both student affairs and academic affairs in the efforts. Engaging faculty in discussions of trans inclusion are vitally important toward ensuring long-lasting campus change and inclusion of trans communities. Particularly at community colleges that have espoused values of access and equity, campus leaders should assess their level of inclusivity of trans people in curriculums and in classrooms. See Garvey, Taylor, & Rankin, 2015 for more on LGBT populations in community college settings.

5. Take an assessment of the spaces trans people have to be in community with one another. Provide spaces for trans identified communities to be in community with one another including first-year experience programs, living-learning programs, and gender-centered courses. Other spaces include faculty and staff groups, academic reading clubs, interdisciplinary research teams, student organization leadership boards, and more.
6. Provide multiple non-gendered restrooms and/or single-stall restrooms in accessible locations in each residence hall.
7. Examine behavioral threat assessment and bias protocols for trans inclusion and train those in charge of responding to incidences on trans community concerns.
8. Provide education and training for all student affairs staff and faculty around trans community development, and be trained on trans inclusive language and campus policies.
9. Ensure that tenure and promotion policies are inclusive of the work of trans faculty members and acknowledge the types of knowledge, location of knowledge, and processes by which trans inclusive scholarship is published and disseminated. This includes recognizing over-taxation in service.
10. Create a campus working group comprised of trans community members, multi-cultural affairs, student affairs, academic affairs, health, safety, admissions, athletics, and other relevant community members to discuss and address trans inclusion.

Systemic Development

1. Systemic development at this level requires that one look outside the university and begins examining the ways trans people are excluded from universities. One way to support access to college is to engage with local schools (middle and high schools) to train their staff and teachers on trans inclusion and barriers to access. These relationships may provide important support including information on financial aid, navigational capital of the college choice process, outreach to trans students to engage them in college-going discussions and behaviors starting in middle school, assessment of family and personal network engagement, support filling out applications, recognition of barriers to full disclosure of identity or restricted ability to disclose gender identity on applications, navigation of DACA (see Appendix A), understanding of the hidden costs of college (e.g., moving, computer, fees, housing), and provide initial connections to campus support systems.
2. Once relationships are formed, universities can create a trans student college fair in collaboration with area high school guidance counselors and other interested community organizations.
3. Identify the organizations within the community that have a stake in student success—particularly trans student success—and partner to ensure all students have access to college. These organizations may not be the most apparent organizations to initially partner with as they may require their own trans inclusion work; however, beginning to build connections across communities is important for the success of all communities.
Inclusive Excellence

Individual Development

1. Collaborate with the trans student organization on the work you do daily. Create mechanisms for trans students to share feedback regularly.
2. Talk about trans topics regularly in meetings, classrooms, and when you have other opportunities including learning about non-binary trans people and identities (i.e., gender fluid, genderqueer, gender non-conforming people). For example, during special events such as open houses or orientations, are there representatives from various offices who are able to speak about trans inclusion on campus and are there non-gendered bathrooms for use?
3. Use an ADA committee to identify non-gendered restrooms and make that list public.
4. Lobby co-workers and colleagues across the university to remove gendered language within their spheres of influence.
5. Continue to assess personal development and seek out new ways to be engaged in trans inclusion. This may include conducting new research with and on trans populations, attending a different conference such as Creating Change, or engaging with a new committee on campus.
6. Continue to stay in touch with trans students on campus and after they graduate. Ask students to engage as alumni.

Organizational Development

1. Provide others the road map and tools (including this document) for how to make their organizations more trans inclusive.
2. Give the non-discrimination statement that includes gender identity and expression meaning and active purpose by including it on the syllabus, displaying it in your office, and utilizing it when you see discrimination.
3. Assess trans student satisfaction in your area.
4. Consciously make decisions to make information about trans access and inclusion readily available.
5. Partner with information technology on your campus to discuss creating a mobile app that locates non-gendered restrooms.
6. Assess the way your office’s policies and procedures require students, faculty, and staff to do extra work in order to receive services that cisgender students, faculty, and staff receive normally.

Systemic Development

1. Advocate institutional administration for policies that provide equitable treatment to trans people, including policies that focus specifically on sexual and gender identity and that focus on other discrimination that affects trans people.
2. Communicate with local, state, and federal legislators about issues affecting trans people in communities, noting that lobbying at a public institution during work hours is not allowed for staff but may be done by certain bodies such as the Student Government and President’s Office. Support Student Government, the President’s Office, and Board of Regents in understanding the trans experience on campus and provide them support in advocating on behalf of those communities. Note that every institution’s policies will be different.
3. Create neighborhoods and communities that affirm all people. Contact local and state universities and colleges to support trans friendly policies. If part of a state-wide system, partner with colleagues on other campuses to leverage your capital to make changes system-wide.

7. Hire designees in important campus offices such as the Health Center, Counseling Center, Office of Teaching and Learning, Public Safety, and Residence Life who can be advocates for trans communities.
8. Provide training and incentive funding through the Office of Teaching and Learning for faculty and teaching personnel to foster inclusive curriculums, pedagogies, and be trained on trans inclusive language and campus policies.
9. Provide emergency funding for trans students who may require housing, counseling, medical, or other “last-resort” support due to extenuating personal circumstances.
10. Actively recruit and implement advanced retention efforts for trans faculty and staff. Provide research dollars for faculty and staff to conduct trans research and identify venues where this work can be showcased publically.
11. Create trans specific literature for prospective students, including on websites.
12. Assess the ways that contingent faculty and instructors are supported in developing curriculums and pedagogies that support, include, and affirm trans people.
13. Conduct an organizational analysis of marketing and communication materials and policy to ensure trans inclusion.
14. Provide single-stall showers in athletic facilities, residential facilities, and campus recreation facilities.
15. Work with alumni relations and development to locate potential donors who can support and fund trans programs on campus. Spend time cultivating relationships with the Development Office and share your needs for making the campus completely inclusive. As donors are asked for money, university staff will be able to speak to the needs to achieve a trans inclusive organization. When donors ask how they can support efforts, the relationship will already exist.
16. Share trans inclusion successes widely around campuses and with news sources particularly when they are novel. Building recognition of these successes may provide more leverage for campus change in the future.
17. If your university does not have an LGBTQ center, work toward the development of that office and engage with other diversity and equity offices for assistance.
U.S. Legal Policies Affecting LGBTQ+ Populations and their Limitations

**Context**

International, federal, and state policies exist that limit equitable access and benefits to LGBTQ+ communities at the intersections of their identities. These exclusionary tactics present enduring challenges for many communities and ensure a second-class citizenry. It should also be noted that these policies and practices exist as a patchwork across the United States and internationally thereby making the articulation of certain rights difficult to enforce or recognize across borders. It should be noted that the policies in this appendix do not protect LGTBQ+ people equally except where noted.

**Federal**

The Supreme Court decision in Windsor, which struck down portions of the Defense of Marriage Act (DOMA), allowed for the revision of federal forms to include married same-sex couples. Following the strike down of DOMA, the Supreme Court ruled in Obergefell v. Hodges that any marriage ban is unconstitutional. Although this is a large step for the United States and LGBTQ+ people, legislation to discriminate against LGBTQ+ people continues to be introduced on all levels. This legislation does not provide liberation from oppression for many “sub-groups” within the umbrella group of LGBTQ+ peoples. In order to combat discrimination, three current acts have been introduced. These legislative acts have the impetus to protect both employees of and students in the higher education sector from harassment and discrimination. These acts include the Equality Act, the Student Non-Discrimination Act (SNDA), and the Tyler Clementi Higher Education Anti-Discrimination Act. These acts have garnered much support from a variety of professional organizations, including the Gay, Lesbian, and Straight Education Network (GLSEN), the American Association of University Women (AAUW), the American Psychological Association, Lambda Legal, the American Bar Association, the National Center for Transgender Equality, and others.

The Equality Act would provide protection from discrimination for LGBTQ+ people in employment, education, housing, public spaces, and more. The Equality Act seeks to amend existing civil rights law to include protection around gender identity and sexual orientation, and prevent discrimination toward LGBTQ+ people in public spaces, and when involved with federally funded programs. SNDA would protect students at public schools from discrimination on either actual or perceived sexual orientation or gender identity. The Tyler Clementi Higher Education Anti-Discrimination Act, which was introduced in the wake of Tyler Clementi’s suicide subsequent to facing harassment and bullying at Rutgers University, would require Title IV institutions to enact anti-harassment policies – inclusive of cyberbullying – based on “actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or religion” (para. 2). These acts have been introduced, but not passed, or “killed,” by the United States Congress. These bills would all provide basic legal protections for individuals identifying as LGBTQ+ against discrimination. However, they would not address systemic oppressions or an intervening system of legal discrimination that disproportionately affects LGBTQ+ people and particularly Trans and queer+ people of color.

**State**

In 2015, at least 31 states introduced 115 anti-LGBTQ+ bills. The Human Rights Campaign predicts that 27 states will see anti-LGBTQ+ legislation in 2016. Many of these bills have been introduced under the auspices of freedom to practice religion, which includes the right to discriminate against LGBTQ+ people. The Religious Freedom Restoration Act passed in Indiana (SB 101) in March 2015 is the latest to fall into this category. Although all states under federal law must grant marriage licenses to same-sex couples, many states have introduced bills to protect judges from issuing marriage licenses on the basis of religious freedom, and protecting businesses who wish to deny service to LGBTQ+ people.

While some argue these bills mirror similar legislation passed by President Bill Clinton in 1993 and subsequently President Barack Obama, the new bills have wider scope by giving human protections to corporations resulting in private business owners being able to refuse service to LGBTQ+ people and allowing any person to sue other citizens even if religious beliefs have not been burdened. In 2016, 26 states will see bills that allow religious refusals, 11 will see anti-trans bathroom laws, and five states will see bills that prohibit cities from enacting nondiscrimination ordinances.

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Table 1. Anti-LGBTQ+ bills seen or predicted in state legislatures in ACPA-related states, 2015-2016

<table>
<thead>
<tr>
<th>State</th>
<th>Bills Seen, 2015</th>
<th>Bills Predicted, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>Religious refusals</td>
<td>Religious refusals</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Anti-trans</td>
<td>None</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Religious refusals</td>
<td>Religious refusals, anti-trans</td>
</tr>
<tr>
<td>California</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Missouri</td>
<td>Religious refusals, anti-trans</td>
<td>Religious refusals, anti-trans</td>
</tr>
<tr>
<td>Kansas</td>
<td>Religious refusals</td>
<td>Religious refusals</td>
</tr>
<tr>
<td>Texas</td>
<td>Religious refusals, Municipal preemption, anti-trans</td>
<td>Will not meet in 2016</td>
</tr>
</tbody>
</table>

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Developmental Pathways to Trans Inclusion on College Campuses

The latest bills are tangible examples of a political conservative agenda revolving against changing “norms” and are out of line with the general public. The assault on the human rights of LGBTQ+ people is not new, however. Gender identity and expression discrimination laws also vary by state. For instance, at least 30 states do not have anti-bullying laws that include trans or gender non-conforming people nor do they include protections from housing and employment discrimination. Half of all states do not have assisted suicide laws for schools. In total, these laws have effects on college and university policy and effect university administration’s ability to create environments that are safe for all faculty, staff, students, and campus guests, as well as recruit the most talented scholars, practitioners, and students to campus.

The American Psychological Association (APA) also noted that continuing negative media attention and the legalization of bodies has stigmatizing effects on LGBTQ+ people. The APA wrote that laws that accord majority and minority groups differing status highlight the perceived “difference” of the minority and thereby tend to legitimate prejudicial attitudes and individual acts against the disfavored group, including ostracism, to legitimize prejudicial attitudes and individual acts against the disfavored group, including ostracism, harassment, discrimination, and violence. Large numbers of lesbian, gay, and bisexual people experience such acts of prejudice because of their sexual orientation. (p. 25)

Additionally, LGBTQ+ people in America pay higher “financial taxes” due to anti-LGBTQ+ laws including unfair treatment related to employment, healthcare, credit, housing, lack of family recognition, and excessive unfair taxation on private equities, among others. This tax on LGBTQ+ families limits forms of capital (e.g., human, educational, financial, cultural) that education scholars recognize are important to both college access and success. The continuing assault on LGBTQ+ people in this country has many potential negative consequences for our institutions of higher education, particularly as we understand LGBTQ+ people at the intersections of their identities. These consequences are in lieu of our knowledge that LGBTQ+ people hold many forms of capital that support their persistence through organizations that are continually set up to marginalize them.

We argue that LGBTQ+ people do not exist as a monolithic identity. While these laws attack LGBTQ+ people specifically, many laws such as Arizona’s SB 1074 made it legal for state officials to ask for identification from any person on reasonable suspicion of undocumented status, essentially legalizing racial profiling. As was noted in a previous position statement to Association for the Study of Higher Education, some states have implemented laws that restrict funding for undocumented students and restrict them from enrolling in institutions of higher education. In North Carolina, voting restriction laws cut early voting down by one week, eliminated same day registration, and prohibiting provisional ballot counting. Twenty-one other states have initiated voter restriction laws since 2010 that negatively affect first-time voting youth and people of color. LGBTQ+ people are undocumented, are people of color, have families, are our faculty, staff, and students, and are members of ACA.

International

This section outlines some of the concerns regarding international travel for trans identified individuals. There is continued concern around the invasive procedures required for international travel as it relates to the safety and health of trans and gender non-conforming people. These procedures have the potential to “out” trans and gender non-conforming individuals in ways that may lead to discrimination. When walking through AIT machines, the machine seeks out “anomalies” to the general body form. Trans people who utilize binders, prosthesis, wear wigs, or have other body contouring accessories may be patted down and “outed” in the process of screening.

People who are unable to provide ID that matches a ticketed name or gender will receive additional scrutiny from TSA. The process of changing one’s name and gender on government documents is different per state and may be a tedious process. For example, in Colorado, to change one’s name, one must submit a petition to the court. The court orders official of name change three times in the newspaper within a 21 day period, and fingerprinted. Then, to change one’s driver’s license, one must apply and change one’s name with the Social Security Administration and complete a medical information form. In states where driver’s licenses now do not meet the REAL ID Act, alternative forms of ID are required. Some states are required to amend state law to comply with REAL ID Act regulations, thereby adding another layer of bureaucracy to the issue.

Most recently for ACA, travel to Canada became a concern for some members. The state of Human Rights Practices for 2014 for Canada reported: “There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively. NGOs reported that stigma or intimidation was a known or likely factor in the underreporting (emphasis added) of incidents of abuse. Some police forces employed LGBT liaison officers, and Toronto police collaborated with community organizations to develop public awareness campaigns to encourage reporting of harassment and abuse. In 2012 the government’s statistical agency reported that 13 percent (185) of police-reported hate crime incidents nationally were motivated by sexual orientation.” The U.S. Department of State suggests that travelers to other countries reference the U.S. Department of State and individual country laws and current events prior to travelling.

Additionally, it is imperative that intersectional approaches are taken when understanding the LGBTQ+ community, particularly as it relates to international travel. One’s legal status may become a factor of consideration when travelling abroad. An inability to obtain a passport would inhibit a person’s ability to travel via plane or motor vehicle unless they have DACA status. This is because individuals without legal status may not be able to legally return to the U.S. Deferred Action for Childhood Arrivals (DACA) is a federal policy that protects people under the age of 16 who came to the United States with (a) parent(s) who is/are undocumented. DACA status provides protection from deportation for at least two years, a social security number, a driver’s license, and access to some work eligibility. DACA does not provide lawful status. People with DACA status may apply for “advance parole.” Advance parole allows DACAmented immigrants to leave the U.S. for a brief period for “humanitarian or for public benefit,” including education, and have a “reasonable chance” of being able to re-enter. The Department of Homeland Security will determine if the reason for travel is appropriate. The process involves filling out a form and paying a $360 fee. Advance parole does not guarantee exit from the country at a particular time, nor does it guarantee re-entry to the country and may include a three to 10 year ban from the country.

Appendix A

24 Paulson, M. B., & St. John, E. P. (2002). Social class and college costs: Examining the financial nexus between college choice and per
25 Paulson, M. B., & St. John, E. P. (2002). Social class and college costs: Examining the financial nexus between college choice and per
26 Pennell, S. M. (2015). Queer cultural capital: Implications for education. Race Ethnicity & Education. Advanced online publication. DOI:
dx.doi.org/10.1080/1361129X.2015.1031346
27 Proposal for Association for the Study of Higher Education (ASHE) Position Statement on Undocumented Students and Deferred Action for Childhood Arrivals (DACA) Recipients and Higher Education
know-your-rights/airport-security
Additional Resources


MIT Trans@MIT website. Retrieved from http://tinyurl.com/3kb839

University of Massachusetts’ Promising Practices for Inclusion of Gender Identity/Gender Expression in Higher Education. Retrieved from http://tinyurl.com/5onqul


Vanderbilt University Trans@VU website. Retrieved from http://tinyurl.com/zh8lslk

Letter to Faculty Advocating for Student Preferred Name and their Pronoun Use

Dear ___Faculty person’s name__,

An increasing number of college students are developing their identities as transgender and gender non-conforming. The office of Lesbian, Gay, Bisexual, Transgender, Queer & Ally (LBGTQA) Affairs recognizes that many faculty members are eager to provide a safe and welcoming environment for their students, yet may not have had the opportunity to access information about the needs and experiences of different populations of students on campus. Transgender and gender non-conforming students could be one of these populations.

For many transgender and gender non-conforming individuals, the lack of congruity between their gender identity and their sex assigned at birth can create stress and anxiety which can be magnified in the context of an unfamiliar classroom setting. Providing an inclusive environment will not only enhance academic success for transgender and gender non-conforming students, but will also ensure compliance with Wright State’s non-discrimination policy and the Title IX guidelines requiring educational institutions to not discriminate on the basis of gender identity and/or gender expression.

You are receiving this letter on behalf of ___students name ___ request for you to use their preferred name and their pronouns. (insert students name and pronouns) In an effort to foster a less-stressful environment for the student, the Office of LGBTQA Affairs asks that you respect this student’s gender identity and/or gender expression and make a conscious effort to use their preferred name and the pronouns you use when referring to them.

A pronoun is a word that a person uses to identify themselves. For example: If Jamie’s pronouns are she, her, and hers, you could say “Jamie ate her food because she was hungry.” The most commonly used pronouns include she, her, hers and he, him, his. These are often referred to as “female/feminine” and “male/masculine” pronouns.

However some people avoid these male/female labels, and instead, prefer to use gender-neutral pronouns or simply request that they be referred to by their first name instead of a pronoun. Some of the most common gender-neutral pronouns and the applications of such are as follows. These may seem grammatically challenging at first, but can be

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Transgender is an inclusive term that refers to bending, breaking, moving across, between, or outside gender norms. Individuals who self-identify as trans may identify as transsexual (pre/non or post-op), non-gender, multi- or bi-gender, other gender, or use other terms.

Gender nonconforming individuals do not adhere to society’s rules about dress and activities based on an individual’s sex assigned at birth and may or may not adhere to strictly male or female identities and roles.
utilized effortlessly with commitment and practice.

- They, them, theirs – Jamie ate their food because they were hungry.
- Ze, hir – Jamie ate hir food because ze was hungry.
  - Ze is pronounced like “zee” can also be spelled zie or xe. It can be used to replace she/he/they
  - Hir is pronounced like “here” and can replace her/hers/him/his/they/theirs.

Not using a student’s correct name and pronouns can make the student feel disrespected, can potentially out this student to their peers, and can create a classroom environment that could be very difficult for them to thrive in.

We understand that pronouns and their usage for a person may be new to you and that is okay! One of the best ways to create an inclusive learning environment is to utilize your resources to become knowledgeable and stay up to date about these issues. The Office of LGBTQA Affairs is available to help answer any questions you may have about student-specific needs or general questions you may have. We also offer a wide array of training options which are available in an effort to help the Wright State campus become as inclusive as possible.

Please contact the _________________________ for more information. You can reach them by email at _______________________.

Sincerely,

Example Universal Multi-Stall Access Sign
Religious Freedom Restoration Acts Updates
Updates as of April 18, 2016
Slide 1 of 6

21 States Have Passed A Version of the Religious Freedom Restoration Act

State Religious Freedom Restoration Acts
- No RFRA
- RFRA signed into law

Religious Freedom Restoration Acts modeled after the 1993 federal law were enacted to protect people’s religious rights from government interference; however, critics say that RFRA could be used to allow anti-LGBTQ discrimination.

Some legal experts disagree, saying that in court, LGBTQ rights would always prevail over religious rights established under RFRA.

HB 767 passed the Georgia legislature but was vetoed by the governor after businesses threatened to boycott Georgia.


April 18, 2016 | Christine Var

Common Gender Pronouns
- She/her/her* Ey/eir/eir
- He/him/his* E/em/eir
- Ze/hir/hir E/het/het
- Sie/hir/hir Thom/thon/thon
- Zie/zir/zir Hu/hu/hu’s
- Sie/hir/hir Ne/nim/nis
- Ve/ver/vis En/en/ens

* Not gender-neutral

Example using ze: Ze laughed.
I called hir. Hir eyes gleam.
That is hirs. Ze likes himself.
3 States Have Banned LGBT Nondiscrimination Ordinances

Religious Freedom and Municipal Preemption Laws, by State

- Religious Freedom Act (RFA) signed into law
- Municipal preemption law

Municipal preemption acts statewide nondiscrimination laws and prevents cities from passing anti-discrimination ordinances extending additional protections (i.e. to LGBT people).

Anti-LGBT Bills Were Introduced in Most State Legislatures Last Year

Types of Anti-LGBT Bills Introduced in 2015 State Legislatures

- Religious Refusals
- Municipal Preemption

Sources:

April 18, 2016 | Christine Yan

March 25, 2016 | Christine Yan
Anti-LGBT Bills Are Expected to be Introduced in Many State Legislatures This Year

States with a High Likelihood of Anti-LGBT Legislation in 2016

References


Developmental Pathways to Trans Inclusion on College Campuses


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**Additional References and Unpublished Dissertations**


Bowman-Campbell, M. (2013). Dual stigma: Exploring the experiences of lesbian, gay, bisexual, and transgender (LGBT) college students who are diagnosed with attention deficit hyperactivity disorder (ADHD) (3560935). Available from ProQuest Dissertations & Theses Global. (136684226).


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