

March, 2013
Human Resources Committee

Motion in favor of the inclusion of “gender identity and expression” as a separate category of prohibited discrimination in the “Non-Discrimination and Anti-Harassment” and “Equal Opportunity” policies at the University of Georgia.

Motion:

The Human Resources Committee recommends that the University change the wording of its policies to include “gender identity and expression” as a separate category of prohibited discrimination in the “Non-Discrimination and Anti-Harassment” and “Equal Opportunity” policies at the University of Georgia. This motion is in support of a resolution brought from the Franklin College Senate, and is in keeping with the practice of 80% of our peer and aspirational institutions.

Background Information:

Original Proposal brought by the Franklin College Senate. (Wording slightly altered because originally, Franklin Senate brought two proposals to Council, but the Human Resources Committee discussed and decided to forward only one of them).

January 23, 2014

Dear University Council,
We hope this letter finds you well.

The Franklin College of Arts and Sciences views diversity as a strength that is critical to UGA’s excellence in teaching, research, and service. Diversity is supported by actively working to create and sustain an inclusive work and learning environment in which different voices and perspectives are heard as well as valued, and in which academic freedom is an equal opportunity.

We strive to identify and dismantle the barriers that keep our college and institution from mirroring the increasingly diverse local and global communities we seek to serve. It is with these principles in mind that we write this letter to convey our support for the inclusion of “gender identity and expression” as a separate category of prohibited discrimination in the “Non-Discrimination and Anti-Harassment” and “Equal Opportunity” policies at the University of Georgia.

In adding “gender identity and expression” to our policies at UGA we would be joining many of our peer and aspirational institutions, including Georgia Tech.

We ask that you join us in supporting these resolutions to ensure that the entire University of Georgia community feels valued and protected. Please draft letters or resolutions in support of this legislation to exemplify the flagship’s commitment to diversity. Our resolutions regarding these matters (attached) were passed unanimously at our meeting of November 12th, 2013.

Sincerely,

The Franklin College Faculty Senate
Dana Bultman, President 2013-14

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Original Franklin Senate Resolution (November, 2013):

FRANKLIN COLLEGE FACULTY SENATE RESOLUTION

To express support for the inclusion of “gender identity and expression” as a separate category of prohibited discrimination in the “Non-Discrimination and Anti-Harassment” and “Equal Opportunity” policies at the University of Georgia

WHEREAS, the terms gender identity and gender expression are distinct from the term “sexual orientation” and “sex” is defined as a person’s actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person’s gender at birth [1]; and

WHEREAS, case law continues to reinforce the understanding that discrimination based on gender identity or expression is a form of prohibited sex-based discrimination under Title VII, yet discrimination against transgender people is still very common; and

WHEREAS, the results of a national survey, which are consistent with other studies of anti-transgender bias, starkly demonstrate the necessity for legal protection against discrimination due to one’s gender identity [2]; and

WHEREAS, inclusion of “gender identity or expression” as a separate category of prohibited discrimination is the best, most direct, and clearest way to establish that transgender individuals are protected from discrimination at the University of Georgia; and

WHEREAS, three University System of Georgia institutions (Georgia Institute of Technology, Clayton State University and Georgia Perimeter College) already have this category listed in their policies; and

WHEREAS, eight out of twelve of our peer institutions include “gender identity” and/or “expression” in their Non-Discrimination or Equal Opportunity Policy; and

WHEREAS, eleven out of twelve of our aspirational institutions include “gender identity” and/or “expression” in their Non-Discrimination or Equal Opportunity Policy; and

WHEREAS, the Board of Regents’ mission statement claims, “Each institution in the University System of Georgia will be characterized by cultural, ethnic, racial, and gender diversity in the faculty, staff, and student body, supported by practices and programs that embody the ideals of an open, democratic, and global society.

NOW, BE IT THEREFORE RESOLVED BY THE FRANKLIN COLLEGE FACULTY SENATE of the University of Georgia that, in our responsibility to recommend ways to improve conditions of employment for the Faculty of the College, hereby support the inclusion of “gender identity and expression” as a separate category of prohibited discrimination in policies at the University of Georgia.

1 “Transgender” describes an individual whose gender identity (one’s internal psychological identification as a man or woman) does not match the person’s sex at birth

2 National Gay and Lesbian Task Force and the National Center for Transgender Equality, Executive Summary, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, February 3, 2011, available at http://www.thetaskforce.org/reports_and_research/ntds

Letter of support from GLOBES:

March 14, 2014

My name is Deirdre Kane, and I am the Chair of GLOBES, UGA's queer-focused faculty and staff organization. We are in support of this proposal to specify gender expression and gender identity, and we feel that it is necessary and important to distinguish these terms from the already-included biological sex because they are three different concepts.

Biological sex, one's sex assigned at birth, is a separate concept from the gender one feels internally and the gender one expresses externally. For some, biological sex and gender identity and gender expression are a match; for others, they are not. These are facts recognized by many, including the American Psychological Association (<http://www.apa.org/about/policy/transgender.aspx>).

The LGBT community has been making these distinctions since the 1990s, so they are not new concepts, nor have there been other definitions brought forth by the LGBT community in that time. These are the definitions we use; these are the classes we want to acknowledge as protected.

The inclusion of these terms in the NDAH policy serves these purposes:

- 1) It is more accurate.
- 2) It is respectful of the lived experience of gender variant and transgender people.
- 3) It is line with the policies of 703 other U.S. colleges and universities. According to Campus Pride, the leading national organization for leaders and campus groups working to create a safer environment for LGBT students, the University of Iowa included these terms in their policy in 1996, followed by Indiana's DePauw in 1999 and many others after that. (<http://www.campuspride.org/tpc-nondiscrimination/>)
 - a. Since 1996, no other protected categories of sex or gender have been introduced/asked for by the LGBT community.
 - b. 6 of those 703 institutions are in Georgia, including Emory (2007) and Georgia Tech (2011).
- 4) It is an opportunity to demonstrate our commitment to a diverse learning community.
- 5) Similar to GLOBES' effort to obtain equal healthcare benefits for all employees in committed relationships, this policy change would bring us in line with hundreds of other institutions and demonstrate our commitment to diversity and the fair treatment of all members of our community.

Sincerely,
Deirdre Kane, Chair, GLOBES

Deirdre M. Kane

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**Supplemental Information
Franklin Senate Proposal on Gender Identity & Expression**

RESOLUTION To express support for the inclusion of “gender identity and expression” as a separate category of prohibited discrimination in the “Non-Discrimination and Anti-Harassment” and “Equal Opportunity” policies at the University of Georgia

Presented to the Executive Committee of University Council, Feb 2014, then referred back to Human Resources Committee

Presented to Franklin Senate by graduate student / Honors Program staff member
Ricky Roberts

Three University System of Georgia Institutions (Georgia Institute of Technology, Clayton State University and Georgia Perimeter College) already include “gender identity and expression” as a category of prohibited discrimination in their policies.

The great majority of UGA’s Comparator Peer Institutions and all but one of UGA’s Aspirational Peer Institutions expressly include this category in their policies.

UGA COMPARATOR PEER INSTITUTIONS

8 out of 12 of our Peer Institutions include “gender identity” and/or “expression” in their Non Discrimination or Equal Opportunity Policy:

- Iowa State University
- Ohio State University
- Michigan State University
- University of Iowa
- University of California - Davis
- University of Florida

- Univ. of Maryland - College Park
- University of Arizona

Louisiana State University; North Carolina State University; University of Kentucky and the University of Missouri- Columbia are Comparator Peer Institutions that do not.

UGA ASPIRATIONAL PEER INSTITUTIONS

11 out of 12 of our Aspirational Institutions include “gender identity” and/or “expression” in their Non Discrimination or Equal Opportunity Policy:

University of California - Berkeley	University of Texas - Austin
University of California - Los Angeles	University of Washington
University of Illinois - Urbana-Champaign	University of Wisconsin - Madison
University of Michigan - Ann Arbor	Pennsylvania State University
University of Minnesota	Cornell University
Univ. of North Carolina - Chapel Hill	

The University of Virginia is the only one of our Aspirational Institutions to not include “gender identity” and/or “expression” in their Non Discrimination or Equal Opportunity policies.

NDAH Policies from other University System of Georgia Institutions

Georgia Institute of Technology

Policy of Nondiscrimination and Affirmative Action

The Institute does not discriminate against individuals on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, **gender identity**, or veteran status in the administration of admissions policies, educational policies,

employment policies, or any other Institute governed programs and activities. The Institute's equal opportunity and non-discrimination policy applies to every member of the Institute community.

[http://www.policylibrary.gatech.edu/policy-nondiscrimination-and-affirmative-action\](http://www.policylibrary.gatech.edu/policy-nondiscrimination-and-affirmative-action)

Clayton State University

Equal Opportunity Statement

Clayton State University is an equal employment, equal access, and equal educational opportunity and affirmative action institution. It is the policy of the University to recruit, hire, train, promote and educate persons without regard to race, color, national or ethnical origin, age, disability, gender, religion, sexual orientation, **gender identity** or veteran status as required by applicable state and federal laws

<http://www.clayton.edu/equalopportunity>

Georgia Perimeter College

Anti-Harassment and Anti-Retaliation Policy

Georgia Perimeter College prohibits any form of discrimination, harassment or retaliation against or by any member of the faculty, staff, administration, student body, or visitors to campus based upon race, color, religion, sex, national origin, age, whistleblower status, disability, **gender identity or expression**, genetics, or any other characteristic protected by state or federal law.

<http://depts.gpc.edu/governance/policies/New400/425.pdf>

NDAH Policies from PEER INSTITUTIONS

Iowa State University

University Non-discrimination Statement

Iowa State University does not discriminate on the basis of race, color, age, ethnicity, religion, national origin, pregnancy, sexual orientation, **gender identity**, genetic information, sex, marital status, disability, or status as a U.S. veteran.

<http://www.eoc.iastate.edu/>

University of Iowa

NONDISCRIMINATION STATEMENT

The University of Iowa prohibits discrimination in employment, educational programs, and activities on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, **gender identity**, or associational preference. The University also affirms its commitment to providing equal opportunities and equal access to University facilities.

<http://www.uiowa.edu/~our/opmanual/ii/06.htm>

University of California - Davis

UNIVERSITY OF CALIFORNIA NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY REGARDING ACADEMIC AND STAFF EMPLOYMENT

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, **gender identity**, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).

This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and University policies.

http://diversity.universityofcalifornia.edu/staff/0807-uc_nondiscrim_policy.pdf

University of Florida

Non Discrimination/Harassment/Invasion of Privacy Policies.

The University shall actively promote equal opportunity policies and practices conforming to laws against discrimination. The University is committed to non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, **gender identity and expression**, marital status, national origin, political opinions or affiliations, genetic information and veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act. This commitment applies in all areas to students, Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) staff, University Support Personnel System (USPS) personnel, and Other Personnel Services (OPS) employees.

This commitment intends to reflect the University's belief that educational and employment decisions and access to University activities should be based on

individuals' abilities and qualifications and not on irrelevant factors, as well as that the University values broad diversity within our community and is committed to diversity and eliminating discrimination.

<http://www.hr.ufl.edu/eeo/eeo.htm>

<http://regulations.ufl.edu/wp-content/uploads/2012/09/1006.pdf>

Univ. of Maryland - College Park

POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION

PURPOSE

This policy affirms that the University System of Maryland's (USM) commitment to the most fundamental principles of academic freedom, equality of opportunity, and human dignity includes the protection of members of the USM community from discrimination based on sexual orientation and **gender identity and expression**.

These principles require that the treatment of students, faculty, and staff of USM institutions, and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

I. DEFINITIONS

For the purposes of this policy, the following definitions apply:

A. "Gender Identity or Expression" is defined as a person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.

B. "Sexual Orientation" is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality.

II. PROHIBITION AGAINST DISCRIMINATION BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY AND EXPRESSION

A. This policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation or **gender identity and expression** in academic admissions, financial aid, educational services, housing, student programs, and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services.

<http://www.president.umd.edu/policies/vi105.html>

Michigan State University

Anti-Discrimination Policy

Unlawful acts of discrimination or harassment are prohibited.

In addition, the University community holds itself to certain standards of conduct more stringent than those mandated by law. Thus, even if not illegal, acts are prohibited under this policy if they:

Discriminate against any University community member(s) through inappropriate limitation of employment opportunity, access to University residential facilities, or participation in educational, athletic, social, cultural, or other University activities on the basis of age, color, gender, **gender identity**, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight

<http://www.inclusion.msu.edu/files/AntiDiscriminationPolicy.pdf>

Ohio State University:

Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy

The Ohio State University is committed to building a diverse faculty and staff for employment and promotion to ensure the highest quality workforce, to reflect human diversity, and to improve opportunities for minorities and women. The university embraces human diversity and is committed to equal employment opportunity, affirmative action, and eliminating discrimination. This commitment is both a moral imperative consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law

Discrimination against any individual based upon protected status, which is defined as age, ancestry, color, disability, **gender identity or expression**, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, or veteran status, is prohibited.

<http://hr.osu.edu/policy/policy110.pdf>

University of Arizona

Equal Employment Policy

It is the policy of The University of Arizona to provide equal employment opportunity without regard to race, color, religion, sex, national origin, age, disability, veteran's status, sexual orientation, or **gender identity**.

http://equity.arizona.edu/equal_employment_policy

NDAH Policies at ASPIRATIONAL INSTITUTIONS

University of California – Berkeley

UNIVERSITY OF CALIFORNIA NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY REGARDING ACADEMIC AND STAFF EMPLOYMENT

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, **gender identity**, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).

This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and University policies.

http://diversity.universityofcalifornia.edu/staff/0807-uc_nondiscrim_policy.pdf

University of California - Los Angeles

UNIVERSITY OF CALIFORNIA NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY REGARDING ACADEMIC AND STAFF EMPLOYMENT

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, **gender identity**, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).

This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and University policies.

http://diversity.universityofcalifornia.edu/staff/0807-uc_nondiscrim_policy.pdf

University of Illinois - Urbana-Champaign

The University's Nondiscrimination Statement

The commitment of the University of Illinois to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on merit and be free from invidious discrimination in all its forms.

The University of Illinois will not engage in discrimination or harassment against any person because of race, color, religion, national origin, ancestry, age, marital status, disability, sexual orientation including **gender identity**, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in University programs and activities.

<http://diversity.illinois.edu/discrimination.html>

University of Michigan- Ann Arbor

Nondiscrimination Policy

The University of Michigan, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. The University of Michigan is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, **gender identity, gender expression,** disability, religion, height, weight, or veteran status in employment, educational programs and activities, and admissions.

http://www.umich.edu/policy_nondiscrim.php

University of Minnesota

Equal Opportunity Statement

The University of Minnesota shall provide equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, **gender identity, or gender expression.**

<https://diversity.umn.edu/eoaa/equalopportunistatement>

University of North Carolina - Chapel Hill

The University of North Carolina at Chapel Hill is committed to equality of educational opportunity. The University does not discriminate in offering access to its educational programs and activities on the basis of race, color, gender, age, national origin, religion, creed, genetic information, disability, veteran's status, sexual orientation, **gender identity or gender expression.**

<http://www.unc.edu/campus/policies/nondiscrim.pdf>

University of Texas -Austin

Statement on Equal Educational Opportunity

The University of Texas at Austin is committed to an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, including sexual harassment, age, disability, citizenship, and veteran status. Discrimination on the basis of sexual orientation, **gender identity, or gender expression** is also prohibited pursuant to University policy.

<http://bealonghorn.utexas.edu/non-discrimination>

University of Washington

Equal Opportunity Statement

The University of Washington is committed to providing equality of opportunity and an environment that fosters respect for all members of the University community regardless of race, color, creed, religion, national origin, citizenship, sex, age, marital status, sexual orientation (including **gender identity**), disability, or military status.

The University is committed to full and positive compliance with applicable laws and their implementing regulations (UW Executive Order No. 31)

https://ap.washington.edu/eoaa/sites/default/files/UW_EOAA_poster.pdf

<http://www.washington.edu/admin/rules/policies/PO/EO31.html>

University of Wisconsin - Madison

Equal Opportunity/Affirmative Action Compliance Statement

The University of Wisconsin-Madison is committed to providing equal opportunity and equal access and to complying with all applicable federal and state laws and regulations and University of Wisconsin System and university non-discrimination policies and procedures.

The following are the nondiscrimination bases for covering students and applicants for admission to the university; university employees and applicants for employment at the

university; and those wishing to take part in university programs and activities, including visitors to campus.

Students: age; ancestry; color; creed; disability; ethnicity (specifically involving harassment by UW employees); marital or parental status; national origin; pregnancy; race; religion; retaliation for opposing discrimination, making a complaint of discrimination or taking part in an investigation relating to discrimination; sex; sexual orientation.

Employment: age; ancestry; arrest record; color; conviction record; creed; cultural background; disability; ethnicity (specifically involving harassment by university employees); **gender identity; gender expression**; marital status; genetic testing; honesty testing; military obligations; national origin; pregnancy; race; religion; retaliation for opposing discrimination, making a complaint of discrimination or taking part in an investigation relating to discrimination; sex; sexual orientation; use or nonuse of lawful products off the employer's premises during nonworking hours.

University programs or activities (including visitors to campus): Age; color; disability; national origin; race; retaliation for opposing discrimination, making a complaint of discrimination, or taking part in investigations of discrimination; sex.

<http://www.oed.wisc.edu/>

http://pubs.wisc.edu/ug/geninfo_respect.htm

Pennsylvania State University

Nondiscrimination Policy

The Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, **gender identity** or veteran status. Discrimination or harassment against faculty, staff or students will not be tolerated at The Pennsylvania State University.

<http://www.psu.edu/president/pia/nondiscrimination.htm>

Cornell University

Equal Education and Employment Opportunity Statement

Cornell University has an enduring commitment to support equality of education and employment opportunity by affirming the value of diversity and by promoting an environment free from discrimination.

Association with Cornell, either as a student, faculty, or staff member, involves participation in a free community where all people are recognized and rewarded on the basis of individual performance rather than personal convictions, appearance, preferences (including sexual or affectional orientation), or happenstance of birth. Cornell University's history of diversity and inclusion encourages all students, faculty and staff to support a diverse and inclusive university in which to work, study, teach, research and serve.

No person shall be denied admission to any educational program or activity or be denied employment on the basis of any legally prohibited discrimination involving, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, **gender identity or expression**, age, disability, or veteran status. Cornell University is an affirmative action/equal opportunity employer.

<https://www.hr.cornell.edu/diversity/eeeeo/statement.html>