



HOW TITLE IX INFORMS OUR WORK ON GENDER IDENTITY AND SEXUAL ORIENTATION

Tennessee Board of Regents
6th Biennial Diversity Conference



SESSION OUTLINE

- Sexuality and Gender Identity Language
- Data on LGBTQ campus experiences
- Title IX Review of Policy and Practices

Sex

Sex is the classification of people as male, female, or intersex. At birth, infants are assigned a sex based on a combination of bodily characteristics including: chromosomes, hormones, internal reproductive organs, and genitals.

- When referring to sex assigned at birth you may also see reference to birth sex.
- Generally when referring to sex assigned at birth appropriate terms are female, male, intersex.

Sexual Orientation

Sexual orientation describes an individual's enduring physical, romantic and/or emotional attraction to another person. Although gender, birth sex and sexuality are all interrelated, they are distinct.

- Appropriate terms may vary but commonly used terms include lesbian, gay, bisexual, pansexual, queer.
- Trans people identify across the sexual orientation spectrum. For example: a trans man may identify as straight, gay, or something else entirely.

Gender

“Gender is one's internal, personal sense of identity. For transgender persons, their birth sex and their own internal sense of gender identity may not match.

- Usage has referred to gender often a man or a woman however individuals may identify with genders outside this binary.
- When referring to gender deference should be given to individual identity but terms often include woman, man, trans, transgender, gender fluid, gender non-binary, agender.



Gender Identity

How a person identifies Gender identity can be a conscience ongoing choice. “ I am (gender queer, man, woman, trans*, fluid, unlabeled etc.)

Gender Expression

Gender is presentation and a person can choose to express their gender in ways that are varied. These may align with social expectations or they may not.

Transgender

Transgender, Trans, Trans* – Transgender is an umbrella term for people whose gender identity or gender expression is different from those typically associated with their assigned sex at birth. Trans and Trans* are shorthand expressions for transgender. Note that transgender persons may or may not decide to alter their bodies hormonally and/or surgically, so their identity as a transgender person is unrelated to physical alterations, such as surgery or hormone therapy.

Trans man/trans male – A term for a transgender person who currently identifies as a man. Female to male and FTM are also used.

Trans woman – A term for a transgender person who currently identifies as a woman. Male to female and MTF are also used.

Binary Thinking

Sex: biological, hormonal, physiological
binary classification: male or female.

Gender: if someone is a man or a woman

Gender Identity: this is the same as gender

Gender Expression: If you look like a man or
a woman.

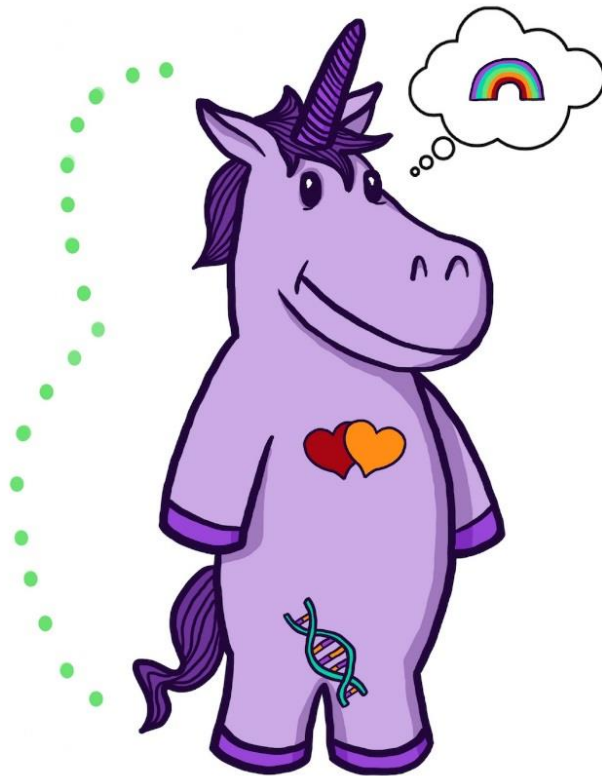


Non-Binary Gender

- Can be an umbrella term and may use other terms like gender nonconforming, gender queer, and/or gender fluid
- An identity outside the spectrum of female/male or woman/man

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan



Gender Neutral

Neutral: of no particular kind, characteristics, etc.

Gender Inclusive


Inclusive: including a great deal, or including everything concerned; comprehensive

Harassment

- The Lives of Transgender People (2011)
 - Between 22% and 47% of the respondents reported that they had been harassed in the past year because of their gender identity/gender expression. (N=3,474)
- Higher levels of harassment if respondents were:
 - Younger
 - Out
 - Person of Color

Sexual Assault and Misconduct

- Association of American Universities Sexual Assault and Misconduct Campus Climate Survey Report (N=779,170)
 - Non-heterosexual student reported having been victimized more often than heterosexual students.
 - 60.4% of LGB students report being sexual harassed versus 45.9% of non-LGB students
 - Those who identify as Transgender, genderqueer, or non-conforming, questioning or not listed TGQN has the highest rates of the most serious types of sexual misconduct at 12.4% followed by females at 10.8%

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- No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance....

(U.S. Department of Education)

Title IX

Sexual Orientation and Gender Identity

- Two Elements
 - Individuals who identify as Transgender as a identified class in Title IX
 - Training, support and education needed to provide responses to sexual assault, stalking and partner violence to LGBTQ individuals.

Extending Title IX to Gender Identity

- Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Similarly, the actual or perceived student orientation or gender identity of the parties does not change a school's obligation.

What federal guidance exists?

- Department of Education Guidance Letter, May 13, 2016
- Department of Education's Emerging Practices Guide, May 2016
- Department of Education Guidance Letter, April 29, 2014
- 2013 U.S. Department of Justice (DOJ) and Department of Education (DOE) agreement letter with the Arcadia, CA Unified School District



POINTS FOR REVIEW

TITLE IX DOE LETTER 2016

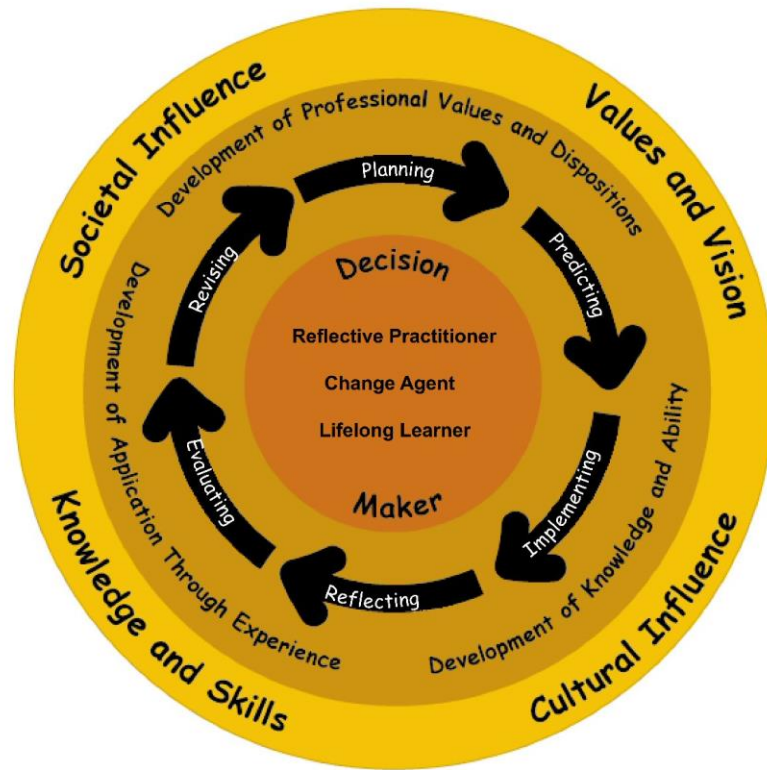
- Safe and Nondiscriminatory Environment
- Identification Documents, Names and Pronouns
- Sex-Segregated Activities and Facilities
 - Restrooms and locker rooms
 - Athletics
 - Single-Sex Classes
 - Single Sex schools
 - Social Fraternities and Sororities
 - Housing and overnight accommodations
- Privacy and Educational Records
 - FERPA, Disclosure of Directory information and Corrections



LGBTQ IDENTITY AND SEXUAL MISCONDUCT ASPECTS OF TITLE IX

- Sexual misconduct policies inclusive of LGBTQ individuals
- Trustworthy resources from outside the system specific to LGBTQ individuals
- Training for school officials that includes sexual orientation and gender identity topics to ensure responders can best serve LGBTQ individuals.
- Training for law enforcement that includes sexual orientation and gender identity topics to ensure responders can best serve LGBTQ individuals.

IMPLEMENTING CHANGE



Philosophy

Policy

Practice

The conceptual foundation is a modified version of the “Educator as Decision Maker” framework developed by the Alabama State University

PHILOSOPHY

- Centering language and culture outside of the gender binary. Critically reflect on how we position gender at the center of organizational structures, process, and experience.
- Challenging assumptions and speaking up in silence is still core to ensuring everyone is visible.
- Addressing this binary system can address other forms of othering and the roots of sexism, racism, classism, ableism etc.

POLICY

- Address policies that serve as formal and informal barriers to individuals with diverse sexualities and gender identities.
- Make sure to include gender identity and expression intentionally.
- Create policies that address gender based decision making.

PRACTICE

- Ensure the voices of trans, gender fluid, and those with various sexualities are part of planning the programmatic and response efforts.
- Be critical of the ways we include the gender binary into so many things without even knowing.
- Acknowledge that a cis gender heteronormative identity is a place of privilege and is impacts our experience of the world.



Questions

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